

NEW POLICIES AND PROCEDURES AS OF JANUARY 2, 2014

405th Judicial District Court

600 59TH STREET GALVESTON COUNTY JUSTICE CENTER
GALVESTON, TEXAS 77550

GENERAL

All counsel and defendants (criminal cases) are required at all court settings and must be present on time. The Court will not tolerate tardiness. If you are going to be late, it must be communicated to the Court in advance.

Cell phones must be off or on vibrate! Do not use cell phones or play with them in courtroom during proceedings.

No newspapers will be allowed in courtroom.

Treat everyone with respect – especially court staff.

Dress appropriately and ensure that clients and witnesses are dressed appropriately. This means no shorts, flip flops, tank tops, baggy pants, hats, cut offs or capris.

Continuance Policy:

All motions for continuance must be in writing and filed with the District Clerks Office. The first request for an Agreed Continuance will be granted. Any additional request for a continuance, agreed or opposed, must be supported by good cause and an affidavit stating evidence for good cause. Note: Additional continuances are highly discouraged unless absolutely necessary!

Withdrawal of Attorney Policy:

All withdrawals of counsel must be approved by the Court. None will be allowed within 60 days of trial setting unless for good cause.

CRIMINAL

Pleas - All pleas will be set for 8:30 a.m. for preparation of paperwork and will be considered by the Court at 9 a.m. If for any reason you are going to be late for a setting, you must contact the Court before 8:45 a.m. or the plea may be automatically re-set to the following business day.

Status Conferences - Will be set for 8:45 a.m. and held with the Judge. All parties are required to be present on time. A Criminal Docket Control Order will be issued upon first setting and signed off by Assistant District Attorney and Defense Counsel. Court will set 2 status conferences and then move forward to disposition setting.

Disposition Settings – The purpose of this setting is to determine disposition of the case. If the state plans to move forward with the case, the Court will either set case for plea or on the trial docket.

Motion to Adjudicate/Revoke Community Supervision (MRP'S) – one (1) status conferences will be allowed followed by a disposition conference held between the Judge, Assistant District Attorney, Defense Counsel and Probation Officer. The disposition from the conference will either be a plea, withdraw/modify or CMRP.

CIVIL

Any pleading that requires a setting with the Court must be on file with the District Clerks Office.

When filing any pleading or motion that requires a setting by the Court, a formal **“Request for Hearing”** or **“Request for Submission”** must be filed with the pleading in pleading format. If the pleading has previously been filed and now requires a setting, please reference the filemark date by the District Clerks Office in your request. When the District Clerks Office receives “Request for Submission” or “Request for Oral Hearing” it will be queued to the court for a setting. The Court will notify the requesting party of the setting by telephone and/or send a written correspondence by fax. Once the requesting party is notified of a setting, that party is required to file and serve all parties a “Notice of Submission” or “Notice of Oral Hearing” notifying all parties of the date and time of the setting.

If there is not a “Notice of Hearing” or “Notice of Submission” on file, the pleading will not be heard, reviewed or ruled on.

It will be this Court’s practice that if any party requests an oral hearing on a case, it will be set according to the Court’s availability. However, a party may choose instead to set the pleadings on the Submission docket. The Judge rules on pleadings set for submission in accordance with the Texas Code of Civil Procedure, without the necessity of an oral hearing. Please keep in mind that if a pleading or motion is reviewed under submission and the Court needs to hear oral argument, the Court will, by its own discretion, set the pleading or motion for an oral hearing. Also, there are certain motions such as Motions to Compel, Motions to Transfer Venue and Pleas to Jurisdiction that require an oral hearing.

In the event a civil case settles, the Court **requires** that a Rule 11 be signed by all parties and filed with the District Clerk’s Office immediately. The Rule 11 will announce that the case has settled and that final paperwork will be tendered to the court within 45 days.