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County Court at Law No. 2
Galveston County

Motion Practice in Galveston County Court at Law No. 2 - Motions to Continue

One of the most frustrating issues attorneys face is the Court's denial of a Motion to Continue. The following may help you in securing that evasive "Motion Granted" order:

- (1) State in the Motion's title and opening paragraph, whether the Motion is opposed, unopposed, agreed, or joint. In all family cases, the party/parties must also sign the motion to continue.
- (2) Unless the Motion is a joint motion, signed by all attorneys, you must include a Certificate of Conference. A Certificate of Conference simply stating you attempted to contact opposing counsel but were unsuccessful is not sufficient. If opposing counsel does not return your telephone calls, send a letter to counsel advising you attempted, unsuccessfully, to contact counsel and that you intend to file the motion by a date certain. Attach a copy of the letter as an exhibit to your Motion;
- (3) Please, please, please tell the Court what you want in both the Motion and proposed Order. Stating you want a continuance is not sufficient. Tell the Court how many days, the month, or the trial setting you are requesting;
- (4) Include a proposed order;
- (5) Tell the Court why you want or need a continuance. If you need to conduct discovery, tell the Court what discovery is needed, such as, who do you need to depose, what documents do you need, when you expect to have discovery completed, and importantly, why you have not been able to complete discovery in accordance with the Docket Control Order;
- (6) If you want an amended docket control order entered submit the proposed amended DCO, signed by the parties. Do not ask the Court to prepare an amended DCO for you;
- (7) Many motions for continuance are addressed at pre-trial conferences. If you send an associate to the pre-trial conference, the Court will bind the attorney in charge by the associate's representations. Thus, if the associate agrees to a trial setting,

the Court will not grant a Motion to Continue because the associate "did not know" your schedule or that you would be unavailable.

- (8) If you file a vacation letter after you have agreed to a trial setting – either via the Docket Control Order, or at pre-trial – the Court is not required to grant your Motion to Continue because you have a vacation letter on file. The Court verifies the date you filed your vacation letter. The Court is sympathetic to those "golden opportunities" that arise after a case is set for trial. But, you must explain the situation and provide proof of purchase of airline tickets, etc.
- (9) File your Motion to Continue as soon as you know you need a continuance. If you file the motion and the Court has not ruled on it by the hearing or pre-trial conference date, you must attend the hearing/pre-trial conference – even if the Motion is a joint Motion.
- (10) The Court will not grant a motion to continue so that the parties may complete a payment plan to resolve the lawsuit;
- (11) Although the Court grants or denies most Motions to Continue without conducting a hearing, the Court will certainly schedule a hearing if the Court determines a hearing is required. Therefore, submit a form for a hearing. The Court will conduct a telephone hearing on any Motion to Continue that is urgent.
- (12) If the Court denies your motion to continue, review your motion. Does it include the above information? Is there an explanation that could have been presented with more detail or better reasoning? If a better explanation is warranted, file a timely motion to reconsider and request a hearing. However, do not file a Motion to Continue identical to the Motion the Court just denied;