



## Policies & Procedures

Harris County Civil County Civil Court at Law No. Four (4)

[Harris Civil Courts at Law](#) | [Civil Court at Law No. 4](#)

### Contacting the Court

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For all matters relating to hearings, motions, filings, requests for hearings, and case status, contact the clerk of the court:

**Mariela Santibanez**  
713-274-1358

**Christina Casiano**  
713-274-1358

To determine whether the Court has ruled on a motion, please check the case record on the County Clerk's website via the [document search portal](#) or contact the Court staff.

For all matters relating to trials, entry docket, and status conference dockets contact the Trial Coordinator:

**Rick Wilson**  
832-927-1742  
[rick\\_wilson@ccl.hctx.net](mailto:rick_wilson@ccl.hctx.net)

For all matters relating to transcripts, contact the Court Reporter:

**Jill Bartek**  
832-927-1743  
[jill\\_bartek@ccl.hctx.net](mailto:jill_bartek@ccl.hctx.net)

For Information regarding audio/visual and courtroom security and decorum, contact the Bailiff:

**Deputy Valerie Jenkins**  
832-927-1744

### Motion Dockets

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#### Oral Hearing Docket

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- The Court conducts oral hearings on **Tuesdays** at **10:00 a.m.**, **10:30 a.m.**, **11:00 a.m.** and **11:30 a.m.** (Confirm availability with the clerks)
- Parties must file a notice of hearing (separate from the Motion) with a certificate of service, and serve all parties
- Five (5) business days' (minimum) notice is required for oral hearings
- A motion must have a certificate of service, be accompanied by a proposed order, and be filed with or prior to the notice of hearing
- Records are taken by request only. Complete the [Court Reporter's Request for Record](#) prior to the hearing
- Contact the Court Clerk to pass a hearing- *Hearings may only be passed by the party setting them*
- Hearings expected to last longer than 30 minutes may require a special setting, please call and inform the clerk if this applies to your hearing so that we may find an appropriate slot

**Participants will use the following information for hearings conducted virtually:**

Web address: <https://hccocm.zoom.us/my/hccivil04> | Meeting ID: **9173 87 0209** | Phone Access: **(346) 248-7799**

## Motions that Require an Oral Hearing

- **Minor Settlements** If your case is set for Entry and the minor settlement has not been scheduled, please schedule prior to the Entry date, or contact the Trial Coordinator.
- **Motion for Default Judgment** with unliquidated damages.
- **Applications for Temporary Restraining Orders (TRO)** may be set by contacting the Clerk for the next available setting. Written notice must be filed with the Court and served to the opposing party by phone, fax, and/or in writing. Concrete proof of attempts to notify opposing counsel must be provided to the Court.

## Submission Docket

- The Court holds submission hearings on **Tuesdays** and **Fridays at 9:00 a.m.** (Confirm availability with the clerks)
- Parties must file a notice of submission (separate from the motion) with a certificate of service, serve all parties, and serve all self-represented parties by hand delivery or certified mail and regular mail.
- Ten (10) business days' (minimum) notice is required for submission hearings.
- A motion must be accompanied by a proposed order and filed prior to or with a notice of submission.
- Contact the Court Clerk to pass a submission hearing. *Hearings may only be passed by the party setting them.*

**Summary Judgment** motions must be set on the submission docket and require twenty-one (21) days' notice. The Court will consider requests for an Oral hearing on the date of the submission setting.

**Occupational License** hearings are held **Fridays at 9:00 a.m.** with notice to the Court. The petitioner must have their SR-22, proof of insurance, and a certified copy of their driving record. Please refer to the Texas Department of Public Safety for information on obtaining a certified copy of a driving record. [TXDPS How to Order a Driver Record](#)

**Homeowners' Association Motion for Default Judgment** seeking judicial foreclosure.

## Off-Docket Motions

The following may be filed without setting for a hearing or submission.

**Agreed Motions** must have the signatures of all parties or counsel and be filed as "agreed" or "joint".

**Motions for Default Judgment** do not require a hearing unless involving a Homeowners' Association or to prove unliquidated damages. The following must be included in the motion:

- Affidavit proving up damages (include last statement or invoice)
- Affidavit of attorney's fees including some estimate of time or description of actions taken on the case.
  - Percentage of the contract required on contingencies

- Certificate of last known address
- Non-Military Affidavit with a copy of the results from <https://scra.dmdc.osd.mil/scra/#/home>
  - Results from the search must be within 30 days of the date the motion is filed

If any of the foregoing is missing or incorrect, or if service is not perfected, the Clerk will send a notice of incomplete default judgment and the Trial Coordinator will move the case to an Entry docket 30 days out to allow time to resubmit the proper documents. If the proper documents are not received on or before the Entry docket date, the case will be subject to Dismissal for Want of Prosecution. It is the responsibility of the movant to follow up on their motions for default to check the status.

**Motions for Substituted Service** must be accompanied by an affidavit that includes the following:

- Documentation or factual affidavit that verifies the Defendant actually resides or is employed at the subject address (e.g. Appraisal District Records, Vehicle Registration, factual affidavit)
- Sufficient attempts
- Each attempt at service with date and time
  - Last attempt at service must be within 45 days of the filing of the motion
  - Attempts must be at varied times of the day
- The identity of persons present at the attempted service and statements that were made, if applicable

Follow procedures in Tex. Bus. Org. Code §5.251 for Corporate Agents that cannot be found at the registered office of the entity with reasonable diligence.

**Motion to Appear Pro Hac Vice** must comply with Tex. Gov't. Code §82.0361

#### **Other Off-Docket Motions**

Motion to Withdraw as Counsel of Record  
 Motion to Substitute Counsel of Record  
 Plaintiff's Notice of Non-Suit  
 Agreed Judgment  
 Installment Agreement  
 Application for Sequestration

Motion to Appoint Guardian Ad Litem  
 Motion to Appoint Attorney Ad Litem  
 Motion to Show Cause  
 Tax Warrants  
 Application to Close Receivership

### **Additional Due Process and Procedural Requirements**

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#### **Discovery Disputes**

Parties must make several attempts on separate days to conference with opposing parties relating to discovery disputes and include a certificate of conference in their motion. All certificates of conference must state whether counsel have conferred regarding the substance of the relief requested and if the relief is opposed, agreed or agreed in part, along with a statement of what relief was agreed to between the parties. It must also state the number of attempts made to contact the opposing party, the method of attempts, and the results obtained. Insufficient attempts or failure to provide a substantive certificate may result in denial of the motion to compel or the hearing being passed by the Court.

## Pre-Judgment Remedies

Pleadings requesting pre-judgment remedies (e.g., garnishment, attachment, sequestration) must be accompanied by verified facts and non-military affidavits in compliance with the Servicemembers Civil Relief Act (SCRA)

Proposed orders should set out the amount of the bond calculated to protect the interests of the parties (both creditor and debtor), which should typically be the market value of any levied property. The bond amount for the debtor should merely be the amount owed *if less* than the market value.

## Trial Settings

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### Non-Jury Trials

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Non-jury trials are usually set on Monday, or on Tuesday if a county holiday falls on Monday, unless they are preferentially set. There are no docket positions for non-jury trials. Parties should be prepared to proceed with trial on the date set and should furnish proposed orders to the Court. Trials estimated to last longer than 30 minutes, will need to contact the Trial Coordinator for a preferential setting. Records are taken by request only, please contact the Court Reporter to complete the [Reporter's Request for Record](#).

Pursuant to Tex. R. Civ. Proc. §509.8(e) and 510.10(c) Justice Court Appeals of **Repair and Remedy and Eviction** cases take precedence or are entitled to precedence in de novo appeals in the County Civil Courts at law and may be set for trial at any time after the eighth day following the filing of the transcript in the county court. Plaintiff should send trial setting notices to Defendant via certified mail, regular mail, and any electronic delivery address on file with the Court, with proof provided at trial.

### Jury Trials

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The Court will schedule a pre-trial status conference, where a trial date will be assigned. Prior to the trial, the Court will schedule a pre-trial conference. Please keep continuous communication with the Coordinator to schedule the pre-trial conference and to give an estimate on how long it will take.

*Before your pre-trial conference:* Each party is ordered to exchange with all parties their witness list, motion in limine, edited page and line excerpts of deposition testimony, proposed jury charge, questions, and instructions, and copies of anticipated demonstrative exhibits, prior to the pre-trial conference and confer regarding the following:

- Agreed pre-admission of exhibits, **all exhibits must be pre-marked with letters.**
  - Bring to trial an extra copy of exhibits for the Judge, Court Reporter, and Jury. Exhibits should be tabbed and in a three-ring binder.
- Witness list,
- Agreed factual stipulations,
- Agreed motion in limine items, and;
- Joint proposed charge.

## Pre-trial Motions

Contact the Trial Coordinator for settings to discuss matters that need to be addressed with the Judge prior to the scheduled pre-trial conference.

Exclusion of Expert Witness Testimony or *Daubert* Motions to exclude expert witness testimony should be filed well in advance of the trial (unless there is good cause). In a case requiring expert testimony as a matter of law, plaintiff should be given a *reasonable* opportunity to retain a qualified expert for trial.

## Continuance

Trials are scheduled approximately six months from the date of filing. The Court will honor timely filed vacation letters, if not already scheduled preferentially.

Motions for Continuance should be filed as soon as the grounds for such a motion are reasonably apparent and filed at least **seven (7) days prior to the trial date**.

The Court will routinely grant the first motion for continuance, if uncontested. Any additional continuances will require a showing of good cause, a certificate of conference, and an oral hearing.

## Vacation Letters

To assert vacation, attorneys must file their vacation letter with the District Clerk or County Clerk and file a Motion for Continuance with the vacation letter attached and served to all parties. Attorneys with multiple cases must file a separate motion for each case.

The Court will honor Motions for Continuance with vacation letters that are timely filed.

## Settlements

Upon settlement of any case, Plaintiff's counsel or pro se (self-represented) plaintiff should immediately notify the Trial Coordinator in writing (i.e., email) with a copy to all parties. If announcement of settlement is made by email, the announcement of settlement must also be filed in the case.

Cases that have announced settled and not submitted a final order, will be placed on the Entry Docket (no appearance necessary) within approximately 30 days to allow ample time for submission of final documents.

Settlements involving minors must be heard by oral hearing. Please refer to the *Oral Hearing* section of these procedures for instructions. If a Guardian Ad Litem has not been appointed to represent the minor in the case, please file a Motion and Proposed Order or contact the Court.

## Service of Process

All cases are subject to Dismissal for Want of Prosecution if service is not perfected, and no answer is filed within **180 days** of filing.

## Courtroom Decorum

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The same etiquette and decorum expected in a physical courtroom is expected in a virtual courtroom.

- Remove hats or caps, except religious headwear or the like
- Attorneys shall observe the letter and spirit of all canons of ethics and advise their clients of decorum
- Pro-se parties are held to the same standard as attorneys
- Cell phones must be silent and out of sight
- No eating
- No tobacco or vaping product use
- No driving
- Dress appropriately for Court
- Be courteous and respectful to all participants

Compliance with Gov. Code 82.037(a)(4) will be expected from all counsel and self-represented (pro se) parties: “Conduct oneself with integrity and civility in dealing and communicating with the Court and all parties.”

## Useful Links

<b>Efiling Procedures and FAQs</b>	<a href="https://www.cclerk.hctx.net/Civil.aspx#eFile">https://www.cclerk.hctx.net/Civil.aspx#eFile</a>
<b>Forms</b>	<a href="https://www.cclerk.hctx.net/Civil.aspx#CForms">https://www.cclerk.hctx.net/Civil.aspx#CForms</a>
<b>Document Search and Ordering Copies</b>	<a href="https://www.cclerk.hctx.net/applications/websearch/CourtSearch.aspx?CaseType=Civil">https://www.cclerk.hctx.net/applications/websearch/CourtSearch.aspx?CaseType=Civil</a>
<b>Court Calendar Search</b>	<a href="https://www.cclerk.hctx.net/Applications/WebSearch/CourtSettingsTyler.aspx?CaseType=Civil">https://www.cclerk.hctx.net/Applications/WebSearch/CourtSettingsTyler.aspx?CaseType=Civil</a>
<b>Self-Help Legal Resources</b>	<a href="https://www.harriscountylawlibrary.org/self-help-information-resources">https://www.harriscountylawlibrary.org/self-help-information-resources</a>
	<a href="https://www.sll.texas.gov/legal-help/">https://www.sll.texas.gov/legal-help/</a>
	<a href="https://www.texascourthelp.gov/">https://www.texascourthelp.gov/</a>
<b>Harris County Holidays</b>	<a href="https://www.harriscountytexas.gov/Residents/Information/Harris-County-Holidays">https://www.harriscountytexas.gov/Residents/Information/Harris-County-Holidays</a>