

Standard Operating Procedures Harris County Criminal Court at Law # 8

**Frequently check the [Court's website](#) for the latest revision.
This revision effective June 1, 2020.**

The Court provides these standard procedures to facilitate effective court operations. Always consult the case file, general orders of the Court, the Local Rules, and these Procedures before requesting any action on a case.

Lawyers are expected to be familiar with the [Local Rules of the County Criminal Courts at Law](#), particularly Local Rule 9.¹

Scheduling Orders

The Court maintains a General Scheduling Order on its official website, which will apply in all cases except as otherwise ordered in a specific case.

Daily Docket

Attorneys are expected to conference regularly outside of court. Unless otherwise ordered, parties are not expected and should not appear at the courthouse on scheduled court dates. Court dates are compliance dates, as described in the applicable scheduling order. The Defendant need not appear at the courthouse except for the trial date unless otherwise ordered.

Bond Docket

The Court does not conduct a daily bond docket call. For safety reasons, no one should appear at the courthouse for any scheduled court date unless specifically ordered.

Any person who has a scheduled court date and no lawyer should either hire a lawyer and have the lawyer reschedule the case, or contact the court coordinator to request appointment of counsel. **Defendants who are not represented by counsel should not appear at the courthouse to request counsel at this time.**

¹ For more background on Local Rule 9, consult the [consent decree](#) in the *ODonnell* case and [memo-randum opinion approving the decree](#).

Jail Docket

As a temporary measure during the Covid-19 emergency, Judge Bynum presides over two jail dockets per week, on Wednesday and Thursday morning in Court 8.

Counsel with matters on the jail docket should appear remotely for the jail docket at this time. Matters not on docket will not be heard during the jail docket absent exceptional circumstances.

Court Dates

The Harris County District Clerk maintains a "next court setting" date commonly referred to as a "reset date." This is usually the date by which court staff will review and reschedule the case according to the applicable scheduling order.

Counsel should not contact the court coordinator for an "off-docket reset" or to otherwise reschedule the next court setting. The applicable scheduling order will describe the obligations of the parties before the next court setting. Any request to modify the applicable scheduling order must be made by filing a motion to modify the scheduling order or a motion for continuance.

E-mail with Court Staff

All requests for court action must be made by filing with the Harris County District Clerk. **Counsel must not contact court staff by e-mail requesting that the Court rule on a matter, review a case file, or reschedule a case.**

All court action on motions will be in writing and filed with the District Clerk. Counsel are strongly encouraged to sign up for e-mail alerts from the District Clerk.

Courtesy Copies Required

Parties are required to provide courtesy copies only of documents requesting court action. Filings not needing court action, like disclosures or notices, do not require a courtesy copy. Courtesy copies should be provided by electronic service, through the e-filing system, to the courtesy mailbox:

court8courtesy@ccl1.hctx.net

Failure to provide a courtesy copy may result in a delay in action on the matter. If a party omits the courtesy copy address at the time of filing, the party may provide a file-stamped copy as an e-mail attachment in a message to the courtesy mailbox. Do not include any comments in the message, simply attach the file-stamped document to an empty message.

Motions

By the date of each scheduled court setting, court staff will review each file for matters needing attention. Matters may be ruled on at any time; unless the Court orders otherwise, the case will be rescheduled according to the applicable scheduling order. Do not contact court staff for the status of the Court's consideration of a matter.

Conference on Motions

Parties are required to confer on all motions except *ex parte* matters. The Court may decline to rule or deny motions lacking a certificate of conference.

Method of Conference

Parties should confer by telephone or in writing on motions. Conferences are not perfunctory; the moving party should describe the relief sought to opposing counsel and obtain a position: the opposing party agrees, is opposed, or is not opposed. No party may simply decline to confer because of an assumption that the other party is opposed.

Certificate of Conference

Every motion must contain a certificate of conference describing the method of conference, the date of conference, and the result of the conference.

If a party is not able to confer, the certificate of conference must describe the efforts made to contact the opposing party, including method and date.

Ex parte matters

Matters that do not require notice to the opposing party, like motions for investigator or expert funds, may be presented by sending an e-mail to the courtesy mailbox:

`court8courtesy@cc1.hctx.net`

With the subject containing the following, including the brackets:

[Ex parte]

Counsel requesting *ex parte* relief should attach the motion (omitting a certificate of conference), a proposed order, and a proposed order sealing the motion and order. The Court will consider the request. Counsel may not follow-up requesting the status of a ruling by a message to the courtesy mailbox.

Proposed Orders

Proposed orders are required for every motion. The Court may not consider a motion filed without a proper proposed order.

The proposed order must state the relief sought by the movant, in complete sentences and without needing any notation or insertion of data before signing. The proposed order should not lay out alternatives for the court to select by checkbox, circle, or other written indication. The proposed order should not contain any blank fields to be filled, including blanks with the date the document is signed.

A proposed order should allow the Court to grant the motion simply by signing the document—the electronic signature will indicate the date signed. Forms filed by Pretrial Services, the Community Supervision Department, and court forms generated by the District Clerk are exempt from this requirement.

Discovery

No court order is required for the State to provide discovery in a case, nor is an order necessary for disclosure of experts; refer to Article 39.14 of the Code of Criminal Procedure. The Court will strictly enforce discovery requirements and expects the State to demonstrate reasonable professional diligence in obtaining and providing discovery.

Blood Discovery Orders

Court 8 does not use any “Standard Blood Discovery” orders. Routinely discoverable material does not require an order under Article 39.14.

Hearings

Most court business is conducted by submission: matters filed with the District Clerk will be considered according to the applicable scheduling order.

A party may request a hearing in any motion filed by indicating so in the prayer for relief in the motion. Parties will be notified of any hearing date.

Trials

Court settings marked as “JTRL” or “CTRL” indicate the case is scheduled for jury trial or bench trial, respectively. The trial docket is called at 9 a.m. Effective June 1, 2020, lawyers with cases set for trial must be physically present at the call of the trial docket unless the Court orders otherwise.

Contacting the Court

Contact with court staff should be limited. Court staff cannot provide legal advice to defendants advice or practice assistance to attorneys.

Mail Delivery

Mail delivery to the courthouse has been disrupted since Hurricane Harvey in 2017. Mail is routinely delayed for weeks. Do not send important materials by mail the courthouse unless directed by court staff.

Telephone

Court staff does not have access to courthouse telephone systems at this time. Do not call the court. Attorneys should not ask court staff for personal phone numbers or contact court staff on personal phones.

Facsimile

The Court does not accept incoming faxes in the normal course of business.