

397th DISTRICT COURT POLICIES

as of 1/10/2021

Weather/Emergency Closures or Delays

If Sherman ISD has a delayed start or closes, the 397th District Court will follow the same schedule.

Proof of Notice

If a party wishes to go forward on a motion/hearing without the other side present, proof of notice must be provided to the court either by filing your proof of notice or by offering it as an exhibit for the court reporter.

Certificate of Conference

All non-dispositive motions in non-criminal cases require a certificate of conference indicating that the party seeking relief has conferred with the opposing side and failed to reach agreement regarding the requested relief at issue. No hearing will be set on any motion unless this requirement has been fulfilled. If a certificate is filed indicating the opposing side will not respond or cannot be reached must include specific details of multiple attempts to confer.

E-File Proposed Orders

Proposed orders should be e-filed a minimum of 24 hours before a hearing.

Dockets

Please check in with the Bailiff before conferring with opposing counsel/party, your client, or beginning a hearing in another court if you have more than one setting. Be sure the Bailiff knows where you will be if it is not in the 397th. If there is an attorney or party conflict with a setting in another court for the same time period, a motion for continuance must be filed.

Continuances

Any continuance (even if agreed) for a case that was filed more than 6 months ago, and was set for trial after a DWOP notice, requires a hearing and court approval.

Mediation

Mediation is required before all non-criminal trials, unless a written motion has been filed and the Court allows trial without mediation having been conducted. Failure to timely mediate will not be considered adequate grounds for a continuance and will result in additional time limits being imposed at trial, and other appropriate sanctions.

General Time Limits

Temporary Orders in family law cases are limited to 25 minutes per side, unless Court permission is obtained for more time based on unique or unusual circumstances when the hearing is scheduled.

Hearings in civil cases are limited to thirty (30) minutes, unless prior Court approval is obtained.

A “full-day” bench trial is two and a half hours per side.

A “half-day” bench trial is approximately an hour and thirty minutes per side.

Bench Trials without a scheduling order on file are limited to 1 HOUR per side.

Settings – Criminal

First Settings After indictments have been returned, the Court will notify indicted defendants (and defendant’s counsel if known to the Court) of a First Setting. This notice will be forwarded to the address provided by a defendant to the Grayson County jail upon book-in after arrest, or any address known to the Court through defendant’s bail bondsman, or a defendant’s current known information if never arrested on the charge. Failure by a defendant to appear at a first setting will result in a warrant being issued for failing to appear, and could result in additional felony charges.

Plea Conferences The State and a defendant will be required to have at least two (2) plea conferences before a case is set for trial. At plea conferences, the case, potential resolution and scheduling will be discussed by the parties. Failure by a defendant to appear at a plea conference will result in a warrant being issued for failing to appear, and could result in additional felony charges.

Defendants are REQUIRED to appear absent a waiver approved by the court. Waivers are only granted for the next setting and do not carry over multiple times.

Request for PSI All requests for a PSI must be made in writing, or orally at any guilty plea being taken by the Court. Any such request must be made at least 30 days before a dispositive setting, or is deemed waived.

Trials Court approval is required for a jury or bench trial to be set on a particular docket. Pretrial hearings will be set approximately ten (10) days before a case is set for jury trial.

Bond Forfeiture A defendant’s bond will be forfeited if they fail to appear for any of the settings discussed above.

Settings – Family Law

For information regarding all aspects of family law cases, including Temporary Restraining Orders, Temporary Orders, Final Hearings, please see Family Law Proceedings in the 397th District Court. A copy of that document may be found or reviewed at https://www.co.grayson.tx.us/upload/page/0118/docs/FAMILY_LAW_PROCEEDINGS_397th.pdf.

Settings – Civil

To set a **hearing**, please email the court coordinator at 397@co.grayson.tx.us. The coordinator will provide available dates, and you should work with the other side to set an agreed date. Please e-file a notice of hearing that includes the date of the hearing. The coordinator will not add the case to the court calendar until a completed notice of hearing is submitted.

To set a **trial**, please email the court coordinator at 397@co.grayson.tx.us. The coordinator will provide available dates, and you should work with the other side to set an agreed date. You should then enter into agreed scheduling order. If, after several attempts, you are unable to agree on a date, please e-file a proposed order, with a letter describing the efforts undertaken to reach an agreement. Please e-file the court's form Scheduling Order (available on the court website) with the trial date and mediation details filled in.

Jury Trials -- A formal pre-trial hearing is required, the date will be provided by the coordinator but is generally 1:30 p.m. approximately ten (10) days before the jury trial begins. As discussed above, a Jury Trial Discovery Control Plan and Scheduling Order (available on the court website) must be completed and signed when the trial is set. The scheduling order will specify the many tasks that must be completed at or before the pre-trial hearing, including expert challenges, proposed jury charges, pre-marked exhibits, witness lists, etc.

Dispositive Motions – All dispositive motions must be filed AND HEARD at least 30 days before trial. The purpose of the hearing date in a summary judgment is to set the deadlines for the response. The Court may review the motion and response on file and rule by submission before the hearing date, in which case notice of the Court's ruling will be provided to the parties before the hearing date and the hearing removed. If no notice of cancellation is received from the Court, the hearing date will proceed.

Motions for New Trial

The court will set a hearing on a Motion for New Trial if:

- (1) the motion shows that an evidentiary hearing is required pursuant to TRCP 324(b)(1) or other law;
- (2) the verified motion and sworn affidavits are in proper form and timely filed;
- (3) the motion alleges specific facts that, if true, would entitle the movant to a new trial, and
- (4) a hearing is timely requested.

Withdrawals

A motion to withdraw may be granted without hearing under the following circumstances:

- (1) the motion is accompanied by a certificate by the client attesting to the client's consent to the withdrawal or a certificate by another lawyer attesting that the lawyer has been retained to represent the client in the case; or

(2) the motion is accompanied by a letter that notifies the client of the client's right to object to the withdrawal within ten days of the date that the letter was mailed; the withdrawing attorney certifies that the motion and letter were sent to the client's last known address by certified and regular mail; and no objection is filed.

Courtroom Technology

If you plan to display a device (laptop, tablet, etc.) on the screens in the courtroom, you are encouraged to test and troubleshoot the equipment in advance. There are HDMI and VGA connections at counsel table: If you plan to play a video, please test the playback in advance, whether you plan to use the courtroom DVD player or whether you plan to play the DVD on your own device. The court is not responsible for playing your video/audio exhibits for you. An ELMO (overhead projector) is available upon request.

Courtroom Cell Phone Policy

No one is allowed to use any device to record photographs, video or capture audio without Court permission. You are welcome to silently use phones, tablets, laptops, etc. in the courtroom. However, if device use becomes disruptive, you will not be allowed to continue to use the device. Continued disruption will result in surrender of the device to the court for the remainder of the day. During jury trials, if your device makes any sound in the courtroom, you will be subject to an immediate \$50 fine.