

RULES OF PRACTICE IN THE 387TH DISTRICT COURT

**BRENDA G. MULLINIX, PRESIDING JUDGE
RICHARD T. BELL, ASSOCIATE JUDGE**

The 387th District Court adheres to the Code of Professional Responsibility, the Lawyer's Creed and the Rules of Judicial Conduct. Violations will result in appropriate sanctions. The Applicable State Law and Rules, Fort Bend County Rules and 387th Rules of Court should be consulted.

1. General

- a. The "Rules of Practice" apply equally to attorneys and pro se litigants.
- b. The Court staff DOES NOT provide legal advice or participate in ex parte communications (except – ex parte – as allowed by law).
- c. FILES – files are not stored in the courtroom or the Coordinator's office. Files are accessed through the District Clerk's office. Any questions regarding a file, filing, service, etc. should contact the District Clerk's office at 281-341-4509 or www.fortbendcountytexas.gov for online services. Most civil cases may be accessed online unless a case is sealed such as adoption and termination cases.
- d. Documents – ALL pleadings and/or documents are to be filed with the District Clerk. The Court will not accept orders for signatures except for temporary restraining orders or temporary ex parte protective orders. Pleadings and documents filed with the District Clerk will be routed through the ordinary course of business to the Court as appropriate. Any faxes or e-filing shall be directly to the District Clerk's office and not to the Court or the Coordinator.
- e. Communication with the Court coordinator, Allyson Stephens, is recommended to be via email at allyson.stephens@fortbendcounty.gov
- f. The 387th is a District Court wherein the rules of the SECOND ADMINISTRATIVE DISTRICT apply and establish priorities. Please review the rules when determining the order of appearances. Lower Court hearings, agreed mediations, depositions, Harris County appearances (unless rules apply otherwise) DO NOT take precedence over hearings/trials in Ft. Bend County.

- g. Appropriate Attire Required – Appropriate professional attire is required to appear in court. Suit Jackets and ties are required for men. No hats, sun glasses (unless prescription), inappropriate jeans, shorts, Capri pants or other inappropriate clothing will be not allowed in the court room.
- h. PARENTING CLASS - ALL cases involving children (divorce, SAPCR, modification – except only child support related) are required to attend and complete a parenting class within **30 days of filing for petitioner and 30 days of service for Respondent. Upon completion the completed certificate SHALL be filed with the court.** The approved recognized classes are as follows:

Escape Family Resource Center, locations in Richmond and Houston,
(713) 942-9500 www.learntoparent.org
Depelchin Children’s Center, locations in Stafford and Houston,
(713) 730-2335 www.depelcin.org
Divorce as Friends-Stop the Conflict, Houston (713) 520-5370
www.divorceasfriends.com

APPROVED ONLINE COURSES

The Court has approved the following online courses:

- www.puttingkidsfirst.org
- www.kidsfirsttexas.com
- www.family-affairs.org
- www.parentingchoice.com
- www.parentingpartnerships.com
- www.txparent.com
- www.parentclassonline.com

***NOTE – NO CASES WILL BE FINALIZED OR TESTIMONY OFFERED WITHOUT THE PARENTING CERTIFICATE ON FILE WITH THE COURT AT THE TIME OF THE TRIAL.**

2. DOCKET CALL

- a. Docket call on all matters is at 9:00 a.m. Attorneys and parties are expected to answer the docket, unless excused by the Court. Conflicts or announcements of late appearance is required to be communicated to the coordinator prior to 9:00 a.m. with a specific

cause, estimated arrival time and specific information as to reasons for lateness.

- b. If you are appearing in any other court in Ft. Bend County check in with bailiff or coordinator prior to 9:00 a.m.
- c. Announcement of time and issues is required at docket call. Attorneys instruct your clients that you will answer at docket call.
- d. If a “party” is a peace officer or has any interest or personal connection to a case and is in possession of a weapon, the weapon will be held by the bailiff until instructed by the Court to be returned to the party at the conclusion of the court appearance.
- e. Prior to the day of the hearing, it is recommended you check the website to make sure the case is scheduled and on the docket – if you scheduled the hearing date. If your case is not on the scheduled docket notify the coordinator so that the file may be routed to the courtroom.

3. MEDIATION REQUIRED – Rules regarding mediation apply as follows:

- a. Prior to temporary order hearings (unless emergency with affidavit) if conservatorship is contested
- b. All final trials, even if mediation attended for temporary orders
- c. May be waived after filing a motion and showing of good cause to the Court which shall be heard at least 10 days prior to trial.
- d. Names and phone numbers of mediators are available in the courtroom. If a Mediator is agreed by the parties the mediator is required to be approved and information presented to court prior to mediation.
- e. Ft. Bend County Dispute Resolution Center (281-342-5000) will mediate cases of parties with proof of limited income at a reduced or nominal fee.

4. Temporary Order /Contested Hearings

- a. Dates for hearing – confirm a date with the coordinator through email at allyson.stephens@fortbendcountytexas.gov prior to filing a motion. If you do not acquire a date from the coordinator **PRIOR TO FILING**, you will be given the first available date from the

coordinator without further notice. You may also put dates you would like to request in the comments section on the efile form. To schedule any “settings” the coordinator must have the request in writing.

- c. Notice and proof of notice to opposing attorney or party shall be pursuant to the Texas Rules of Civil Procedure.
- d. Termination and Adoptions are contested hearings for purposes of scheduling and shall be scheduled on the 2nd Friday of each month. (see Rules for scheduling Termination/Adoption cases below)
- e. If financial matters are at issue (i.e. child support, etc) financial information statements shall be filed and exchanged prior to a contested hearing. A copy for the court is advised.
- d. Stipulations and agreements or Interim agreements shall be in writing and signed by the attorneys and parties and filed with the court. Forms are available in the courtroom.
- e. Working copies of pleadings, proposed property or custody related issue, FIS should be supplied to the Court for use during the hearing or trial.
- f. Exhibits should be marked, exchanged and copies provided to opposing party/counsel (and objections) prior to hearing or trial.
- g. If temporary order hearing is scheduled AFTER 30 DAYS FROM DATE OF FILING AND CHILDREN RELATED ISSUES ARE THE SUBJECT OF THE HEARING – proof of completion of parenting class by the Movant is required prior to commencing a hearing.

5. TRIAL SETTINGS

- a. Procedure for setting a case for trial is as follows:
 - 1. Contact court coordinator via email at allyson.stephens@fortbendcountytexas.gov for a specific date.
After receiving confirmation of the date,
 - 2. Complete the “TRIAL SETTING REQUEST FORM” in detail making sure the date is listed in the form and it is signed

certifying the prerequisites for setting a case for trial have been met as outlined on the Trial Setting Request Form.

3. **File the form with the District Clerk/do not email it to the coordinator.**
4. Only an attorney of record/attorney in charge or the pro se party may file the trial setting request.
- b. If the case is not reached for trial a new trial date can be obtained by contacting the coordinator.
- c. All trial announcements will be at 9:00a.m.
- d. Pre trial conferences are set by motion only. Hearings on the motion shall be scheduled through the coordinator.
- e. **JURY** – the 387th District Court has one jury per month which is the 3rd Tuesday of each month. If a jury request has been filed and the fee paid, notify the coordinator for scheduling a trial date. On a motion and showing of special need, the Court will consider a jury trial setting for a different week. All pre trial conferences are set as specified above.

6. **UNCONTESTED MATTERS**

- a. Scheduling: To schedule a case on the uncontested docket, you are required to sign up with the District clerk's Office before **8:30** a.m. on the day that you will appear. **ONLY ATTORNEYS MAY SIGN UP ON** the uncontested docket and must appear in person (i.e. cannot call the clerk's office to request your name be placed on the uncontested docket). Pro Se litigants will sign up on the pro se docket as set out below. **NO CASE WILL BE HEARD IF NOT SIGNED UP BY 8:30 A.M.**
- b. Agreements require signatures of all parties and counsel.
- c. Uncontested matters will be heard after the contested docket announcements. If you have not notified court you are in another court, the case will be passed if you are not present when the case is called.
- d. **NAME CHANGES – EXCEPT IN DIVORCE MATTERS** – Require a fingerprint card AND confirmation of “no criminal record” by the

appropriate authorities. The criminal background check must be filed with the District Clerk's office prior to final hearing.

- e. Defaults: 1) require a record; 2) require a Certificate of Last Known Address per Rule 239a; 3) require a Non- Military Affidavit and 4) requires a sworn inventory and appraisal and 5) if child(ren) – a parenting certificate filed with the court.
- f. Termination/adoptions are NOT considered an uncontested matter and are scheduled on the 2nd Fridays ONLY

7. **PRO SE**

- a. Pro se cases are heard on Wednesday and Thursday of each week at 8:30 a.m.
- b. All documentation required for contested matters or final trial must be completed, signed and filed – by 5:00 p.m. the Wednesday preceding the court date to be considered for scheduling on the docket. The documentation required is in the pro se packet provided by the District Clerk's office.
- c. By signing the “sign up docket” in the District Clerk's Office you are verifying that you are ready for the hearing/trial and that all documents and orders are complete and are ready. You must appear in person and sign up personally as your signature is required.
- d. Prior to the hearing date you make review the file in person at the District Clerk's office, visit the website at www.fortbendcountytexas.gov or review the docket sheet in your particular case on line to verify whether or not your case is actually on the docket. If it is not on the docket, review the file as it is not “ready” for trial for some reason.

8. **TERMINATION-ADOPTION CASES**

- a. All cases are scheduled on 2nd Friday of each month ONLY.
- b. Not considered an uncontested matter.
- c. All documentation and orders required to be filed by 4:00p.m .on Wednesday **one week** preceding the hearing date (not the day

before). Provide a copy of the order to be presented on the day of trial for the courts review.

- d. On the day of the hearing provide the court with the original signed order.

9. VACATION LETTERS

Vacation letters shall be filed with the District Clerk of Fort Bend County, Texas per the local rules. Proof of filing in any other county is not satisfactory, nor relevant to Fort Bend County. A courtesy copy to opposing counsel/party in your cases would be wise prior to a hearing being scheduled.

10. Associate Judge

The 387th District Court has an Associate Judge, Richard T. Bell. All cases ending in ODD numbers have been assigned and referred to the Associate Judge. If the cause number in your case ends in an ODD number you appear for docket call in the courtroom of the Associate Judge. If the cause number ends in an even number will be heard in the courtroom of the Presiding Judge.

11. Dead Weeks

The 387th District Court will have dead weeks throughout the year. Please consult our online calendar on the website to determine our current dead weeks.