

**POLICIES AND PROCEDURES**  
**JUDGE GORDON FRIESZ**  
**317<sup>th</sup> Judicial District Court**  
**Jefferson County, Texas**  
**Phone: (409) 835-8588**

**Maritza Vargas – Court Coordinator**  
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**All Settings:**

*Scheduling Requests*

The Court’s docket will begin at 8:30 a.m. each day. Please email the Court Coordinator to have a court proceeding set, copy opposing counsel(s) / self-represented litigant, and agree to a court proceeding date and time. (Consistent with the Texas Supreme Court’s 2023 changes to Rule 21 of the *Texas Rules of Civil Procedure*, court proceedings will be referred to as “court proceedings” in these policies and procedures. A “Notice of Court Proceeding” is to be filed for all settings.)

Thursday mornings will be reserved for the Juvenile Docket and Thursday afternoons will be reserved for the CPS docket.

To set a court proceeding, please email the Court Coordinator. Parties will be provided the Court’s available dates and should work with opposing counsel / self-represented litigant to get an agreed date. Please e-file a notice of court proceeding with the date and time filled in. The Court Coordinator will not add the case to the Court’s calendar until a completed notice of court proceeding is submitted. Please also copy opposing counsel (or the self-represented litigant) when emailing the Court.

*Zoom / Ancillary Docket*

The Court will generally reserve 8:30 to 9:00 a.m. each day to hear default cases, uncontested matters, and contested matters not requiring contested witness testimony (Motions to Enter, Motions to Compel, discovery disputes, scheduling matters, etc.). These matters will be heard via Zoom unless an in-person court proceeding is specifically requested.

For any matters held via Zoom, the parties should email any proposed exhibits or evidence to the Court Coordinator, and copy the opposing party or opposing counsel, at least 24 hours before the scheduled court proceeding.

For any court proceeding that is to be heard on the Court’s Zoom docket, please include space for the Zoom ID and password on the Notice of Court Proceeding that is submitted.

The Court will conduct all Zoom court proceedings from the 317<sup>th</sup> District Courtroom.

### *Contested Court Proceedings*

Any contested court proceedings requiring witness testimony will be in-person at the courthouse, unless the parties request otherwise and the Court determines there is good cause to set the court proceeding by Zoom. Counsel and parties should be in attendance at 8:30 in the event the above ancillary docket ends before 9:00 a.m. The Court will begin live court proceedings as soon as the ancillary docket is completed. If there is no ancillary docket, contested matters will begin at 8:30.

If you need a “hybrid” court proceeding (an attorney or witness to appear by Zoom in a case) and both parties agree, the Court will set a hybrid court proceeding. If there is an objection to a witness or attorney appearing by Zoom, a court proceeding will need to be scheduled regarding the objection with the Court.

### *Submission Docket*

Court proceedings can also be set by submission (the Court will read the pleadings filed, but will not hear any arguments) if requested and agreed by the parties.

### *Discovery Control Plan and Scheduling Orders:*

At the conclusion of the temporary orders court proceeding, the parties will be provided the Court’s scheduling orders, available trial dates, and will be expected to submit and Agreeed Scheduling Order prior to leaving the courthouse.

After an answer is filed, the case will be set for a scheduling conference 30-45 days from the answer date. The parties should not appear in person for the conference. The parties are expected to submit their own Agreeed Scheduling Order at least three (3) days before the scheduling conference. If the parties cannot agree on a trial date, or do not submit a proposed scheduling order, the Court will set the case for a final court proceeding on its own and **the parties will be limited to one hour per side for trial.**

The Court Coordinator will provide available trial dates and the parties should agree on a trial date prior to submitting an agreed scheduling order. The parties should also confer and agree on a mediator (either private or the Dispute Resolution Center) prior to submission of the agreed scheduling order.

### *Interpreters*

If interpreters are needed for any court proceeding, please advise the Court when setting the case for court proceeding and let the Court know if additional time will be necessary because of the interpreter(s). If you are not the party setting the court proceeding and later determine that an interpreter is necessary, you must notify the Court at least three (3) business days before any court proceeding if an interpreter is necessary. The Court cannot make necessary arrangements for interpreters if this information is not provided at the time any court proceeding is scheduled or as soon as practicable.

### *Child Interviews*

If Tex. Fam. Code §153.009 requires the Court to interview a child, the interview will be conducted on the day of the court proceeding and after the child is released from school, unless the Court directs that other arrangements be made. Please arrange for the child to be brought to the courthouse by an adult who is not a party to the case. Please contact the court coordinator before the court proceeding date to ensure the child interview is properly scheduled on the Court's calendar. Please instruct your clients to not bring a child to Court without prior express permission from the Court. The attorney or party who is responsible for the child's attendance at court shall immediately notify the court coordinator or bailiff of the child's presence in the courthouse. The child shall not be brought into the courtroom without the express consent of the Judge.

### *Miscellaneous*

Please let the bailiff or Court Coordinator know if you have any expert or professional witness, such as a first responder, teacher, doctor, counselor, etc. or if there is a translator in your case. The Court will do its best to accommodate these witnesses and/or experts by allowing them to be called out of order (or by Zoom if prior arrangements are made with the Court). If the parties believe that the case might need extra security, please email the Court Coordinator at least 2 business days before the court proceeding so the Court can make any necessary arrangements.

## **TEMPORARY ORDERS COURT PROCEEDINGS**

### **Scheduling and Required Filings:**

Before any scheduled temporary orders court proceeding, counsel (or self-represented litigants) shall confer with each other regarding any contested matters, agreed issues, and/or court proceeding matters and file a Certificate of Conference with the Court evidencing the same at least 24 hours before the scheduled court proceeding.

Both sides shall e-file a Summary of Requested Relief (1-2 pages outlining the relief they are requesting in the temporary orders court proceeding), proposed exhibits, financial information, and Certificate of Conference at least 24 hours before the scheduled court proceeding.

### **Ex Parte Relief – TRO’s, PO’s, etc.**

Please submit your request for ex parte relief electronically. If you file a motion requesting ex parte relief and submit your proposed order through e-filing, please call or e-mail the Court Coordinator and let them know that you want action taken on the request. If you do not call or email the Court Coordinator to alert them that you want the request addressed, it will remain in the e-filing queue without action until it is reached.

Please do not request TRO’s that contain items that are in the standing orders. The Court may reject TRO’s that largely overlap the standing orders. Please include the few items of genuine concern in the TRO so that the Court can determine what relief the parties are actually requesting. Please do not request kick-outs in TRO’s.

### **Time Limits:**

Parties will be limited to no more than 45 minutes per side for temporary orders court proceedings. If there are exigent circumstances that *may* require additional time, please let the Court Coordinator know and the Court will make a decision on additional time for the temporary orders court proceedings based on pleadings and/or supporting affidavits.

### **Temporary Spousal Support and Child Support:**

If you are asking the Court to order temporary spousal support, child support or to divide expenses, you must provide a financial information statement, paystubs, or other income reporting documents, as well as proof of expenses for temporary spousal support cases. These items should be exchanged at least twenty-four hours before the scheduled temporary court proceeding.

## FINAL COURT PROCEEDINGS / TRIAL SETTINGS

### **Scheduling:**

When scheduling final court proceedings or trials, please let the coordinator know the number of hours that you are requesting for the final court proceeding.

### **Bench Trials:**

After receiving trial dates and conferring with the opposing party or counsel, please e-file the Court's form Scheduling Order (available on the Court's website) with the trial date and mediation details. If dates cannot be agreed to, please e-file a letter describing your efforts and attach all attempts at obtaining a signature for the scheduling order. After ten days of receipt of your letter and no objection by opposing counsel, you may then file the Scheduling Order and the Court will sign and enter the scheduling order and set the case for trial per the scheduling order. The Court requires a Bench Trial Ready / Not Ready Announcement at 8:30 a.m. on the Friday before trial via Zoom (unless informed of a different date by the Court). In lieu of appearing before the Court for the trial announcement, all parties may respond and file the Trial Announcement Letter by 10:00 a.m. on the morning of the Thursday prior to the trial setting. The Trial Announcement Letter can be found on the Court website.

### **Jury Trials:**

A final in-person pre-trial court proceeding is required for those cases being called to jury trial. This pre-trial court proceeding is required and must be included in the scheduling order at the time of filing. A Discovery Control Plan and Scheduling Order (available on the Court website) must be completed and signed when the trial is set. The scheduling order specifies the many tasks that must be completed at or before the pre-trial court proceeding, including expert challenges, proposed jury charges, pre-marked exhibits (and stipulated exhibits), witness lists, etc. All proposed exhibits should pre-marked and exchanged before this court proceeding takes place. The Court will take up all pre-trial matters at the pre-trial court proceeding. **These matters will not be taken up on the day of trial.** Please contact the Court Coordinator if you anticipate that your pre-trial court proceeding will take more than 30 minutes per side. The parties are required to submit a proposed jury charge and Motions in Limine to the Court at the pre-trial court proceeding. This can be done by emailing the Court with the proposed charge and Motion in Limine in Word or editable PDF format and copying opposing counsel.

### **Mediation:**

Mediation is required and must be completed at least fourteen (14) days before any scheduled final court proceeding or trial that is expected to exceed three hours of court time. Scheduling orders without mediator name(s) will be rejected. If the parties are not able to agree to a mediator, they should submit a letter with their scheduling order stating that they could not agree and request the Court to appoint a mediator. If the Court appoints a mediator, the costs of the mediator will be paid by the parties.

### **Continuances:**

Court approval is required for any request for a continuance of the final trial date, even if the request is agreed to by all parties. File a verified motion for continuance and email the coordinator to request a court proceeding (by submission, Zoom or in person). The failure to mediate will not be considered a basis for any requested continuance. Please review and follow Rules 251 and 252 of the Texas Rules of Civil Procedure when filing or requesting a continuance.

### **Withdrawals:**

Withdrawals within 30 days of a final trial must be set for a court proceeding. The order on a motion to withdraw should not be e-filed if there is a pending ruling / order that needs to be entered.

For any withdrawal filed outside of 30 days before trial, the motion to withdraw may be granted without the necessity of a court proceeding under the following circumstances:

- (1) The motion is accompanied by 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.

### **Property Division:**

If the parties are asking the Court to divide property, a sworn, verified inventory listing all assets and debts must be filed at least seven (7) days before any final court proceeding. Counsel for Petitioner shall be responsible for preparing a comparative inventory with a proposed or requested division of property and debts.

### **Spousal Support:**

If a party is asking the Court to order spousal support or divide expenses in the Final Decree, the parties must provide a financial information statement listing income and expenses.

### **Health Insurance and Cash Medical Support:**

In every case involving children, the parties must file a pleading or statement describing health insurance for the children.

If the children are receiving health insurance through a government program such as CHIP or Medicaid, the obligor shall be required to pay cash medical support.

## **Final Decrees or Orders:**

### *Agreed Decree of Divorce*

No in-person prove-up is required for an agreed Final Decree of Divorce. For an agreed decree, you must file a prove-up affidavit and the proposed order must reflect that there was no appearance and no court proceeding before the Court and that a record was waived. All signatures must be on the agreed Final Decree of Divorce. Failure to properly edit your order to reflect an affidavit or submitting an order that is missing signatures may result in the order being rejected.

### *Agreed Suit Affecting Parent-Child Relationship, Modification and Child Support Orders*

No prove-up or affidavit is necessary on the above-referenced orders as long as all signatures are contained on the final order.

### *Default Matters*

If the parties do not have an agreed final order because one party has been served but did not answer, or the other party signed a waiver of service that does not require notice of a final court proceeding, please e-file the proposed final order with the signature of the party filing it, and schedule a final court proceeding with the Court Coordinator. These court proceedings will typically be set by Zoom unless otherwise requested.

### *All Other Matters*

Prove-ups are required on Adoptions, Name Change of a Child, and all defaults. Prove-up on name changes of adults will be scheduled for court proceeding by the Court, if necessary.