

**POLICIES & PROCEDURES**  
**DALLAS COUNTY COURT AT LAW NO. 2**

**SCHEDULING ORDERS:**

The Court **does not** issue scheduling orders. The parties certainly can agree to a scheduling order, but the court will not issue one *sua sponte*. All Level 1 cases will proceed under the Texas Rules of Civil Procedure. All Level 2 cases also will proceed under the Texas Rules of Civil Procedure unless the parties agree otherwise. All Level 3 cases will proceed as a Level 2 case unless the parties submit an Agreed Scheduling Order specifying that the case will proceed as a Level 3 case.

The parties may modify scheduling orders by a Rule 11 agreement and need not send the Court an agreed modified scheduling order unless, by agreement, the parties are requesting a new trial date.

In all cases, despite the discovery level, the Court will require any challenges to experts to be set for hearing 30 days before trial.

**DALLAS LOCAL COURT RULES:**

The Local Rules adopted for use in this Court may be located through this link <http://www.dallascourts.com/rules/localrules.pdf>. The Local Rules also are posted outside the Deputy Clerk's office.

**MEDIATION**

Mediation must be completed before trial. The Court will appoint a mediator for each case. The parties may request a different mediator upon motion and submission of an Agreed Order to Substitute Mediators. The order must specify the name of both the substituted mediator and the previously-appointed mediator. If the parties are opposed to mediation, they must notify the Court of the reasons for their opposition in a motion and request relief from the Court's order. It is the Court's policy to require mediation in all cases, but the Court will not force parties to mediate if there exists a good faith basis on why not to mediate. The Court also encourages the other methods of alternative dispute resolution available to litigants in Dallas County.

**COURTROOM USE:**

Plaintiffs may sit next to the jury box unless otherwise agreed. Counsel/parties are welcome and encouraged to use the courtroom, including use of the audio-visual equipment, for purposes of preparing for trial provided Court is not in session. Contact Court Administrator Laura Nutting to determine an appropriate time.

**DOCKET CALL:**

Pursuant to the Local Rules, if a plaintiff does not announce by 10:30 a.m. on the Friday before trial, the case will be dismissed for want of prosecution. The trial docket will be posted on [www.judgekingfifer.com](http://www.judgekingfifer.com) thirty (30) days before trial. The posting contains a list of all cases for that particular docket along with attorney information for those cases. The website is updated continually, and announcements regarding settlement and continuances will be posted. On the Friday before trial, Court Administrator Laura Nutting will endeavor to contact counsel and post who is to appear for trial on [www.judgekingfifer.com](http://www.judgekingfifer.com).

**EACH CASE MUST BE MEDIATED PRIOR TO TRIAL, INCLUDING NON-JURY TRIALS.**

**VOIR DIRE:**

The Court has no standing rule on time limits for voir dire. Asking questions of individual jurors during the group voir dire process is encouraged (the jurors need to be talking, not counsel or the judge). Opening statements during voir dire are discouraged. Counsel is instructed to keep a list of the jurors counsel wishes to question privately about sensitive issues, and private questioning will be conducted at the conclusion of group voir dire. The Court will advise jurors at the beginning of voir dire that they may choose to speak to the Court and counsel privately if they have answers to questions, or need to share information, outside the presence of the rest of the venire panel.

Juror challenges will take place outside the presence of the panel once all questioning, including private questioning, has been completed. Anyone wishing to use exhibits or demonstrative aids during voir dire will need to obtain the agreement of opposing counsel or bring the request to the Court's attention in sufficient time for the Court to consider the request prior to voir dire. The Court does not favor use of such materials unless absolutely necessary to the process of jury selection in the case.

The Court has no specific time limits for making strikes once voir dire is completed and tries to allocate the amount of time requested by counsel.

**JUROR QUESTIONNAIRES:**

In certain cases, and if the parties agree, the Court will submit an agreed jury questionnaire. The Court suggests a one page form except in exceptional circumstances, and the form should have a space for the prospective juror to note any hardships or problems in serving for the estimated length of the trial. To save time, the Court may take up these hardships privately with counsel and the prospective juror as soon as the questionnaire is completed. This will allow others to be added to the panel, if necessary. The Court will resolve any disagreement as to specific questions or whether a questionnaire should be submitted. Any such dispute must be brought to the Court's

attention promptly, however, and **definitely** before the morning of trial. The Court has a form jury questionnaire available for the parties, check with Court Administrator Laura Nutting to obtain a copy.

**TRIAL DATE AND CONTINUANCES:**

The Court will assign each case a trial date. Upon request, parties may choose their own trial date. Per the Dallas County Local Rules, agreed continuances for cases less than one year old typically will be granted without a hearing. Signatures of all counsel and the parties are required on motions for continuance for cases older than one year. Any opposed continuance requires a hearing, which may be by way of conference call.

**TEMPORARY RESTRAINING ORDER (TRO):**

Judge Fifer will hear TROs if he is available. If he is not immediately available, the parties may take the application to another judge. Judge Fifer will consider TROs from other courts only with permission from that court's presiding judge. All County Court at Law judges require compliance with Local Rule 2.02 on *ex parte* Applications.

Effective February 2006, additional requirements were added to the Local Rules regarding *ex parte* applications.

**DISMISSAL DOCKET:**

The Court will set hearings on notices of intent to dismiss a case for want of prosecution approximately 120 days after the suit is filed. If a plaintiff needs more time to effect service, etc., counsel must advise Court Administrator Laura Nutting prior to the hearing, and the dismissal time may be extended.

**DEFAULT JUDGMENTS**

Motions for default judgments are handled by submission. A Motion for Default Judgment should be filed with all of the requisite information required under the law. Testimony regarding damages will be accepted by the Court in affidavit form. In certain circumstances, the Court will require a hearing on damages and, in those cases, a clerk will notify the parties a hearing will be necessary.

**FAXES**

DO NOT FAX PLEADINGS, MOTIONS, OR BRIEFS TO THE COURT. The Court accepts correspondence addressed to the Court via fax but only with prior permission from Judge Fifer or Court Administrator Laura Nutting. Pleadings, motions, and orders must be filed with the County Clerk's office. The Dallas County Clerk accepts e-filing. Please see the Clerk's website for more information.

The Court regularly faxes correspondence to counsel and often requests a reply by fax. The Court's direct fax line is 214-653-7643. Please keep in mind that the Court does not have the capacity to handle large faxes. Any communications with the Court, even cover letters, must copy all opposing counsel and/or *pro se* parties. This includes email.

**EMAIL:**

The Court discourages use of email because of the increased potential for *ex parte* communications. However, upon specific request, documents such as proposed jury instructions may be emailed to the Court. Notice of delivery must be given to all other parties. All communications with the Court, even a cover letter, must always copy opposing counsel and/or *pro se* parties.

**APPEALS FROM JUSTICE COURT**

Appeals from Justice of the Peace or Small Claims courts are typically set on a different trial docket. The rules of evidence and civil procedure typically do not apply in Justice of the Peace or Small Claims courts. However, in County Court at Law No. 2, all litigants, including those representing themselves *pro se*, are required to follow the Texas Rules of Evidence and the Texas Rules of Civil Procedure. Additionally, corporations, limited liability companies and partnerships, and other legal entities must be represented by an attorney licensed to practice law in Texas.

**FORCIBLE ENTRY AND DETAINER DOCKET**

Forcible Entry and Detainer (FE&D) appeals from Justice of the Peace courts are typically set for trial within thirty days. The rules of evidence and civil procedure typically do not apply in Justice of the Peace or Small Claims courts. However, in County Court at Law No. 2, all litigants, including those representing themselves *pro se*, are required to follow the Texas Rules of Evidence and the Texas Rules of Civil Procedure. Additionally, corporations, limited liability companies and partnerships, and other legal entities must be represented by an attorney licensed to practice law in Texas.

**OCCUPATIONAL DRIVER'S LICENSES**

When applying for an occupational driver's license, Judge Fifer requires the following: (1) the individual requesting the license must be present at the hearing; (2) proof of SR 22 insurance policy (SR-22 insurance policy is a certificate of insurance showing the Texas Department of Public Safety proof of insurance for the future, as required by law); (3) a copy of the driving record of the individual requesting a license; (4) a waiver signed by the Dallas County District Attorney's office; (5) a listing of the requested permissible driving hours (12 hours maximum); (6) a list of counties and specific routes in which the individual seeks to operate a motor vehicle and the necessary reasons for travel. Hearings need to be set with the Deputy Clerk on the normal motion docket.

### **CAMERAS IN THE COURTROOM**

The Court follows Supreme Court of Texas Misc. Docket No. 92-0067, approved March 11, 1992, regarding procedures for electronic media coverage. Copies may be obtained from the Deputy Clerks or the Court Administrator.

### **MARRIAGE CEREMONIES**

Judge Fifer will perform marriage ceremonies at the courthouse if he is available. He also will perform marriage ceremonies outside of the courthouse at planned events. If you are interested in having Judge Fifer officiate your ceremony please contact Court Administrator Laura Nutting and she will arrange for him to contact you regarding scheduling.

### **OPEN DOOR POLICY**

If you have a question about our procedures, PLEASE ASK -- we are here to serve. Remember, however, that we cannot give legal advice and cannot have *ex parte* communications about cases. When in doubt, put your question in writing and copy your opponents. Please also make suggestions on how we can improve the Court and the website.