



## Policies & Procedures

Harris County Civil County Civil Court at Law No. Five (5)

[Harris Civil Courts at Law](#) | [Civil Court at Law No. 5](#)

### Contacting the Court

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For all matters relating to hearings, motions, filings, requests for hearings, and case status, contact the clerk of the court:

**Sarah Gray and Valerie Flores**

713-274-0893

[AskCivil@cco.hctx.net](mailto:AskCivil@cco.hctx.net)

To determine whether the Court has ruled on a motion, please check the case record on the County Clerk's website via the [document search portal](#) or contact the Court staff.

For all matters relating to trials, entry docket, and status conference dockets contact the Trial Coordinator:

**Kayla Gomez**

832-927-1007

[Kayla\\_Gomez@ccl.hctx.net](mailto:Kayla_Gomez@ccl.hctx.net)

For all matters relating to transcripts, contact the Court Reporter:

**Lettie Witter**

832-927-1008

[Lettie\\_Witter@ccl.hctx.net](mailto:Lettie_Witter@ccl.hctx.net)

For Information regarding audio/visual and courtroom security and decorum, contact the Bailiff:

**Deputy Willie Hughes**

### Motion Dockets

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#### Oral Hearing Docket

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- The Court conducts oral hearings on **Tuesdays** at **9:30 a.m.**, **11:00 am** and **1:30 p.m.** (Confirm availability with the clerks)
- Parties must file a notice of hearing (separate from the Motion) with a certificate of service, and serve all parties
- Five (5) business days' (minimum) notice is required for oral hearings
- A motion must have a certificate of service, be accompanied by a proposed order, and be filed with or prior to the notice of hearing
- Records are taken by request only. Complete the [Court Reporter's Request for Record](#) prior to the hearing
- Contact the Court Clerk to pass a hearing- *Hearings may only be passed by the party setting them*
- Hearings expected to last longer than 30 minutes may require a special setting, please call and inform the clerk if this applies to your hearing so that we may find an appropriate slot

**Participants will use the following information for hearings conducted virtually:**

Web address: <https://hccocm.zoom.us/my/hccivil05> | Meeting ID: **502 578 6352** | Phone Access: **(346) 248-7799**

## Motions that Require Oral Hearing

- **Minor Settlements** If your case is set for Entry and the minor settlement has not been scheduled, please schedule prior to the Entry date, or contact the Trial Coordinator.
- **Motion for Default Judgment** with unliquidated damages.
- **Applications for Temporary Restraining Orders (TRO)** may be set by contacting the Clerk for the next available setting. Written notice must be filed with the Court and served to the opposing party by phone, fax, and/or in writing. Concrete proof of attempts to notify opposing counsel must be provided to the Court.

## Submission Docket

- The Court holds submission hearings on **Fridays at 9:30 a.m.** (Confirm availability with the clerks)
- Parties must file a notice of submission (separate from the motion) with a certificate of service, serve all parties, and serve all self-represented parties by hand delivery or certified mail and regular mail.
- Ten (10) business days' (minimum) notice is required for submission hearings.
- A motion must be accompanied by a proposed order and filed prior to or with a notice of submission.
- Contact the Court Clerk to pass a submission hearing. *Hearings may only be passed by the party setting them.*

**Summary Judgment** motions must be set on the submission docket and require twenty-one (21) days' notice. The Court will consider requests for an Oral hearing on the date of the submission setting.

**Homeowners' Association Motion for Default Judgment** seeking judicial foreclosure.

## Off-Docket Motions

The following may be filed without setting for a hearing or submission.

**Agreed Motions** The motion must have the signatures of all parties or counsel and be filed as "agreed" or "joint", with a Certificate of Conference and a Certificate of Service attached.

**Occupational Licenses** The petitioner must have their SR-22, proof of insurance, and a certified copy of their driving record before the Judge reviews the petition. Please refer to the Texas Department of Public Safety for information on obtaining a certified copy of a driving record. [TXDPS How to Order a Driver Record](#)

**Motions for Default Judgment** do not require a hearing unless involving a Homeowners' Association or to prove unliquidated damages. The following must be included in the motion:

- Affidavit proving damages (include last statement or invoice)
- Affidavit of attorney's fees including some estimate of time or description of actions taken on the case.
  - Percentage of the contract required on contingencies
- Certificate of last known address
- Non-Military Affidavit with a copy of the results from <https://scra.dmdc.osd.mil/scra/#/home>
  - Results from the search must be within 30 days of the date the motion is filed

- Certificate of Service

If any of the foregoing is missing or incorrect, or if service is not perfected, the Clerk will send a notice of incomplete default judgment, and the Trial Coordinator will move the case to an Entry docket 30 days out to allow time to resubmit the proper documents. If the proper documents are not received on or before the Entry docket date, the case will be subject to Dismissal for Want of Prosecution. It is the responsibility of the movant to follow up on their motions for default to check the status.

**Motions for Substituted Service** must be accompanied by an affidavit that includes the following:

- Documentation or factual affidavit that verifies the Defendant actually resides or is employed at the subject address (e.g. Appraisal District Records, Vehicle Registration, factual affidavit)
- Sufficient attempts
- Each attempt at service with date and time
  - Last attempt at service must be within 45 days of the filing of the motion
  - Attempts must be at varied times of the day
- The identity of people present at the attempted service and statements that were made, if applicable

Follow procedures in Tex. Bus. Org. Code §5.251 for Corporate Agents that cannot be found at the registered office of the entity with reasonable diligence.

**Motion to Appear Pro Hac Vice** must comply with Tex. Gov't. Code §82.0361

#### **Other Off-Docket Motions**

Motion to Appoint Guardian Ad Litem	Plaintiff's Non-Suit
Motion to Substitute Counsel of Record	Motion to Appoint Attorney Ad Litem
Motion to Show Cause	Agreed Judgment
Tax Warrants	Application to Close Receivership
Installment Agreement	Application for Sequestration - <i>with affidavit and military web search</i>

#### **Additional Due Process and Procedural Requirements**

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##### **Discovery Disputes**

Parties must make several attempts on separate days to conference with opposing parties relating to discovery disputes and include a certificate of conference in their motion. All certificates of conference must state whether counsel have conferred regarding the substance of the relief requested and if the relief is opposed, agreed or agreed in part, along with a statement of what relief was agreed to between the parties. It must also state the number of attempts made to contact the opposing party, the method of attempts, and the results obtained. Insufficient attempts or failure to provide a substantive certificate may result in denial of the motion to compel or the hearing being passed by the Court.

##### **Pre-Judgment Remedies**

Pleadings requesting pre-judgment remedies (e.g., garnishment, attachment, sequestration) must be accompanied by verified facts and non-military affidavits in compliance with the Servicemembers Civil Relief Act (SCRA)

Proposed orders should set out the amount of the bond calculated to protect the interests of the parties (both creditor and debtor), which should typically be the market value of any levied property. The bond amount for the debtor should merely be the amount owed *if less* than the market value.

## Trial Settings

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### Non-Jury Trials

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Non-Jury trials are conducted ***Mondays beginning at 9:30 a.m.*** unless preferentially set. There are no docket positions for non-jury trials. Parties should be prepared to proceed with trial on the date set and should furnish proposed orders to the Court. Trials estimated to last longer than 30 minutes will need to contact the Trial Coordinator as the case may be set preferentially later in the day or given a special setting upon agreement or necessity. Records are taken by request only, fill out the [Court Reporter's Request for Record](#) prior to trial. Plaintiff or their counsel must inform by the Coordinator by email, or filing if the case settles prior to trial.

Pursuant to Tex. R. Civ. Proc. §509.8(e) and 510.10(c) Justice Court Appeals of **Repair and Remedy and Eviction** cases take precedence or are entitled to precedence in appeals in the County Civil Courts at law and may be set for trial at any time after the eighth day following the filing of the transcript in the county court. Plaintiff should send trial setting notices to Defendant via certified mail, regular mail, and any electronic delivery address on file with the Court, with proof provided at trial.

### Courtroom Expectations

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- Check-in with Court Staff at least 10 minutes prior to docket start time.
- Notify Court staff if you need to step out and to where, so that you may be located if necessary.
- Follow proper Court decorum.

### Jury Trials

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All jury trials are preferentially set, dates are assigned at the **Status docket**. Cases are assigned based on their age, and readiness to proceed. Plaintiff or their counsel must inform the Coordinator by email, or filing if the case settles prior to trial.

Prior to trial, the court will send notice that the parties will be required to attend a Pre-Trial Conference on the day immediately preceding the trial date unless otherwise specified. Before the pre-trial conference, each party must exchange their witness list, pre-numbered exhibits, motion in limine, edited excerpts of deposition testimony, proposed jury charge, questions, and instructions, and copies of anticipated demonstrative exhibits with all parties, and confer regarding the following:

- Agreed pre-admitted exhibits,
- Witness lists,
- Agreed factual stipulations

- Agreed motion in limine, and;
- Joint proposed charge.

Pretrial documents must be efiled, and courtesy copies delivered to the Clerk, by Wednesday prior to the pre-trial conference. The clerks are located at 201 Caroline, 3<sup>rd</sup> Floor, Room 300, Houston, Texas 77002, and their hours of operation are Monday - Friday, 8:00 a.m. to 4:30 p.m.

Exclusion of Expert Witness Testimony or Daubert Motions to exclude expert witness testimony should be filed well in advance of the trial. In a case requiring expert testimony as a matter of law, plaintiff should be given a reasonable opportunity to retain a qualified expert for trial.

## **Courtroom Expectations**

- The Court will pull a panel of 18 jurors, and 6 jurors will be selected.
- Prior to Voir Dire, the clerks will distribute one jury packet to each side and a seating chart. 20-30 will be allotted per side for voir dire.
- 10 minutes will be allowed for strikes; each side is entitled to three peremptory strikes. Any challenges for cause will be held at the bench on an individual basis.
- All proceedings will be on the record in a jury trial, with the exception of Voir Dire and Motions in Limine. Notify the Court Reporter in advance for the exceptions to be included on the record. [Court Reporter's Request for Record](#)
- Courtroom decorum should be explained to witnesses by counsel before entering the Courtroom.
- Post-verdict motions and opposed judgments must be set for a hearing on the oral hearing docket. All normal oral hearing procedures must be followed.

## **Continuance**

Motions for Continuance should be filed as soon as the grounds for such a motion are reasonably apparent and filed at least **seven (7) days prior to the trial date**.

The Court will routinely grant the first motion for continuance, if uncontested. The Court requires a certificate of conference in cases where a defendant has made an appearance. Any additional continuances will require a showing of good cause, a certificate of conference, and an oral hearing.

## **Vacation Letters**

To assert vacation, attorneys must file their vacation letter with the District Clerk or County Clerk and file a Motion for Continuance with the vacation letter attached and served to all parties. Attorneys with multiple cases must file a separate motion for each case.

The Court will honor Motions for Continuance with vacation letters that are timely filed.

## **Settlements**

Upon settlement of any case, Plaintiff's counsel or pro-se (self-represented) plaintiff should immediately notify the Trial Coordinator in writing (i.e., email) with a copy to all parties. If announcement of settlement is made by email, the announcement of settlement must also be filed in the case.

Cases that have announced settled and not submitted a final order, will be placed on the Entry Docket (no appearance necessary) within approximately 30 days to allow ample time for submission of final documents.

Settlements involving minors must be heard by oral hearing. Please refer to the *Oral Hearing* section of these procedures for instructions. If a Guardian Ad Litem has not been appointed to represent the minor in the case, please file a Motion and Proposed Order or contact the Court.

## Service of Process

All cases are subject to Dismissal for Want of Prosecution if service is not perfected, and no answer is filed within **180 days** of filing.

## Courtroom Decorum

**The same etiquette and decorum expected in a physical courtroom is expected in a virtual courtroom.**

- Remove hats or caps, except religious headwear or the like
- Attorneys shall observe the letter and spirit of all canons of ethics and advise their clients of decorum
- Pro-se parties are held to the same standard as attorneys
- Cell phones must be silent and out of sight
- No eating
- No tobacco or vaping product use
- No driving
- Dress appropriately for Court
- Be courteous and respectful to all participants

Compliance with Gov. Code 82.037(a)(4) will be expected from all counsel and self-represented (pro se) parties: “Conduct oneself with integrity and civility in dealing and communicating with the Court and all parties.”

## Useful Links

Efiling Procedures and FAQs	<a href="https://www.cclerk.hctx.net/Civil.aspx#eFile">https://www.cclerk.hctx.net/Civil.aspx#eFile</a>
Forms	<a href="https://www.cclerk.hctx.net/Civil.aspx#CForms">https://www.cclerk.hctx.net/Civil.aspx#CForms</a>
Document Search and Ordering Copies	<a href="https://www.cclerk.hctx.net/applications/websearch/CourtSearch.aspx?CaseType=Civil">https://www.cclerk.hctx.net/applications/websearch/CourtSearch.aspx?CaseType=Civil</a>
Court Calendar Search	<a href="https://www.cclerk.hctx.net/Applications/WebSearch/CourtSettingsTyler.aspx?CaseType=Civil">https://www.cclerk.hctx.net/Applications/WebSearch/CourtSettingsTyler.aspx?CaseType=Civil</a>
Self-Help Legal Resources	<a href="https://www.harriscountylawlibrary.org/self-help-information-resources">https://www.harriscountylawlibrary.org/self-help-information-resources</a>
	<a href="https://www.sll.texas.gov/legal-help/">https://www.sll.texas.gov/legal-help/</a>
	<a href="https://www.texascourthelp.gov/">https://www.texascourthelp.gov/</a>

