



UNIQUE CONCERNS IN THE
MANAGEMENT OF FAMILY
LAW DOCKETS

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UNIQUE CONCERNS IN THE MANAGEMENT OF FAMILY LAW DOCKETS

I. PEOPLE

- A. Concerns
 - 1.. Number of self-represented litigants
 - 2.. Non-Family Law Lawyers doing the divorce “for a friend”
 - 3.. Lawyers and self-represented litigants who just need to ask a “procedural question”
 - 4.. Other Courts i.e. UCCJEA conference calls
 - 5.. Inmate Issues

B. Solutions

1. While you cannot control the number of self-represented litigants you can attempt to mitigate the impact and particularly the stress on the court. Routine policies and procedures, if brief, can be explained in writing in layman’s terms so that you or the clerk can hand them out to self-represented litigants, thereby avoiding having to spend time answering the same questions over and over. If your judge and/or county permits, clear understandable signage in the courtroom and clerk area can also be helpful.

Lawyers who are unfamiliar with family law and/or the family law courts may present with some of these same issues.

With regard to “procedural questions”: you should talk to your judge about how those should be handled, while being careful not to appear to be giving legal advice. “How can I get a reset date” is procedural. “How do I effectuate service” is not.

The UCCJEA applies any time one of the litigants or the child resides in another state. The only thing the Coordinator needs to know is that it may be necessary for you to schedule these calls and so it is helpful to get with your judge on how he/she would like to handle these.

II. TYPES OF HEARINGS

- A. Concerns
 - 1. Prioritizing hearings
 - a. Habeas Corpus [CHILD RETURN]
 - b. Habeas Corpus [INMATE PICKED UP ON A CAPIAS]
 - c. Protective Orders
 - d. CPS hearings
 - e. Enforcements
- B. Solutions
 - a. Different days for different types of hearings
 - b. Submission dockets for Motions for Summary Judgment
 - c. Management of Rule 11’s and agreements

III. SCHEDULING

- A. Concerns
 - 1. Multiple hearings on the same case
 - 2. Multiple dockets
 - 3. Time Estimates → Limiting them

- B. Solutions
- 1. Decide whether or not your court should let the lawyers “piggy back” settings
- 2. Be clear on when mediation is required
- 3. Categorize settings
 - a. Final Trial
 - b. Temporary Orders
 - c. Custody v. non-custody
 - d. Attorney General hearings
 - e. CPS—different cast of characters?
- 4. Get the information you need—not what they want to give you
 - a. What are your issues
 - b. Have you been to mediation
 - c. Are there motions pending that will affect your setting
 - d. Are there translation/accommodation issues
 - e. Is either side in custody

III. NOTICES

- a. How are they generated
- b. Proof Issues

IV. SETTING THE DOCKETS

- a. Considerations for the Court
- b. What should/does the coordinator think about
- c. DWOP v. TOM v. ANCILLARY

V. GET ON THE SAME PAGE AND STAY THERE

VI. Forms Appendix

- A. Pro Se Appearance Form
- B. Reset Form
- C. Pre Trial Conference/Jury
- D. Scheduling Order
- E. Preferential Trial Setting
- F. Waiver of Objection to AJ and Waiver of Right to DeNovo
- G. Order for Mediation/DRO
- H. Order for Dismissal for Failure to Enter Order
- I. Order for Dismissal for Failure to Appear/Comply with PTC Order
- J. Order for Dismissal for Failure to Appear at Trial

No. _____

257th DISTRICT COURT

HARRIS COUNTY, TEXAS

(AND) In the Interest of _____

APPEARANCE

_____, a named Respondent in this case, as authorized by Rules 7, 57, and 120, Texas Rules of Civil Procedure, hereby enters an appearance in this case.

Alternative Dispute Resolution Certification. The following statement is intended to comply with the policy of the State of Texas pursuant to Chapter 154 of the Texas Civil Practice and Remedies Code and the provisions of Texas Family Code §§ 6.404 and 102.0085:

"I AM AWARE THAT IT IS THE POLICY OF THE STATE OF TEXAS TO PROMOTE AMICABLE AND NONJUDICIAL SETTLEMENT OF DISPUTES INVOLVING CHILDREN AND FAMILIES. I AM AWARE OF ALTERNATIVE DISPUTE RESOLUTION METHODS INCLUDING MEDIATION. WHILE I RECOGNIZE THAT ALTERNATIVE DISPUTE RESOLUTION IS AN ALTERNATIVE TO AND NOT A SUBSTITUTE FOR A TRIAL AND THAT THIS CASE MAY BE TIRED IF IT IS NOT SETTLED, I REPRESENT TO THE COURT THAT I WILL ATTEMPT IN GOOD FAITH TO RESOLVE BEFORE FINAL TRIAL CONTESTED ISSUES INVOLVED IN THIS CASE BY ALTERNATIVE DISPUTE RESOLUTION WITHOUT THE NECESSITY OF COURT INTERVENTION."

My mailing address and daytime telephone and telecopier (if available) numbers are:

(mailing address) _____

PLEASE PRINT:

(_____) _____
(telephone-day)

(_____) _____
(telecopier #, if available)

Pursuant to Rules 21 and 21a, Texas Rules of Civil Procedure, I certify to the court that, on the date indicated below, I personally delivered or transmitted to all attorneys of record/*pro se* parties a copy of this appearance. I understand that motions, pleadings, discovery, and other notices transmitted to me at my indicated address/fax number constitute proper legal notice to me until I notify the court and all attorneys of record, in writing, of any change(s) or until an attorney, pursuant to Rules 7 and 57, Texas Rules of Civil Procedure, appears on my behalf.

Signed: _____

Respondent's signature

A

No. _____

**P-1
CASO**

In the District Court of

Harris County, Texas

257th Judicial District

VS.

RESET FORM

Notice is hereby given that the hearing specified below is reset to the _____

day of _____, 200____, at _____ o'clock _____ m. in the above

referenced court.

TYPE OF HEARING: _____

DATE OF ORIGINAL SETTING: _____

SIGNED this _____ day of _____, 20____

JUDGE PRESIDING

Receipt Acknowledge:

Attorney for Petitioner Movant

Attorney for Respondent

REASON FOR RESET:

____ Petitioner's Request _____ Agreed By All Parties

____ Respondent's Request _____ Other Party's Request

____ Other (Specify) _____

I hereby acknowledge that I have received a copy of this reset form and that I understand that if I fail to appear at the time, date, and location specified above, a Writ of Attachment or Capias may be issued for my arrest.

RESPONDENT

B

NO. _____

§ IN THE DISTRICT COURT OF
§
§ HARRIS COUNTY, TEXAS
§
§ 257TH DISTRICT COURT

PRE-TRIAL CONFERENCE ORDER

This matter is set for a pre-trial conference on _____, 20____ at _____
____.m. All counsel AND PARTIES are ordered to appear. At least 3 days' prior to that pre-trial
conference, all counsel shall have filed and exchanged any Motion in Limine s/he wishes to urge, and
Motions in Limine shall be ruled upon by the Court at the pretrial conference. Counsel shall advise
the Court of any *Daubert/Robinson* challenges s/he may have at that time and the court will set those
for hearing. NO *Daubert/Robinson* challenges will be considered by the court other than those
noticed at the pretrial conference, and any such challenge not made at that time is waived.

At the pre-trial conference, time limits for voir dire and opening statements will be set.
Because Motions in Limine are heard at the pre-trial conference, any pleading
amendments/supplementations shall be on file and noticed PRIOR TO THE PRE-TRIAL
CONFERENCE. Pleadings seeking affirmative relief filed after the pre-trial conference may be
submitted with a Motion for Leave. NO ANCILLARY discovery hearings will be conducted AFTER
the date set for the pretrial conference without specific authorization from the court.

Failure of a party to appear at the pre-trial conference or comply with any provisions of this
order shall constitute a waiver of that party's request for jury, and the Court shall set the matter on
the non-jury docket in that event.

Parties are required to exchange exhibit and witness lists 3 business days before trial. Exhibits
shall be pre-marked and a proposed exhibit list shall be given to the Court Reporter at the pre-trial
conference.

This matter is set for trial **PREFERENTIALLY** on _____, which
setting may only be passed or reset by Court order. The date was calendared with the input of all
counsel of record at the time of the setting. Later filed vacation letters WILL NOT AFFECT THIS
SETTING.

SIGNED this _____ day of _____, 20____.

JUDGE PRESIDING

C

No. 201723942

SANDOVAL, IMELDA

vs.

YEPEZ, UVALDO SALAZAR

257th DISTRICT COURT
HARRIS COUNTY, TEXAS



SCHEDULING ORDER and NOTICE OF INTENT TO DISMISS

***** ALL DEADLINES ARE PRIOR TO TRIAL SETTING DATE *****

****Rule 11 Agreements will NOT delay trial date ****

It is hereby ORDERED that:

1. PRIOR TO TRIAL, parents shall file with the court proof of completion of an approved PARENT EDUCATION PROGRAM if there is a suit affecting the parent-child relationship.
2. PRIOR TO TRIAL, parties must either (a) have completed ALTERNATIVE DISPUTE RESOLUTION or (b) have set and have heard an objection to Alternative Dispute Resolution.
3. PRIOR TO TRIAL, spouses shall exchange a sworn INVENTORY AND APPRAISEMENT prepared in conformity with Local Rule 4.4. Compliance with this paragraph is not a substitute for the requirements in Local Rule 4.3. All supplements must be filed 10 days prior to trial setting.
4. BY TEXAS RULES OF CIVIL PROCEDURE, all parties must be added (JOINER) and served, whether by amendment or third party practice. THE PARTY CAUSING THE JOINER SHALL PROVIDE A COPY OF THIS SCHEDULING ORDER AT THE TIME OF APPEARANCE.
5. BY TEXAS RULES OF CIVIL PROCEDURE, all DISCOVERY must be completed. LATE discovery may be initiated by stipulation in conformity with Rule 11, Tex. Rules of Civil Procedure. Incomplete discovery will not delay the trial date.
6. BY TEXAS RULES OF CIVIL PROCEDURE regarding PLEADINGS, all amendments and supplements must be filed. This order does not preclude prompt filing of pleadings directly responsive to any timely filed pleadings.

NOTICE OF INTENT TO DISMISS ON TRIAL DATE. THIS CASE MAY BE DISMISSED FOR WANT OF PROSECUTION ON DATE OF TRIAL if, by the trial date there is no:

- a. Service with citation; or
- b. Answer on file; or
- c. Properly executed Waiver on file; or if
- d. Alternative Dispute Resolution has not occurred or been waived by court order.

7. PRETRIAL CONFERENCE at set by court or upon motion.

8. 12/11/2017 TRIAL at 09:00 AM THIS CASE IS SET FOR TRIAL ON THE MERITS ON THIS DATE. You may NOT reset this case by agreement.

SIGNED 07/27/2017

JUDY WARNE
Judge, 257TH DISTRICT COURT
PRO SE

UVALDO SALAZAR YEPEZ
1434 WHEELER ST
HOUSTON TX 77004

D-1

JUDY WARNE, JUDGE

257TH JUDICIAL DISTRICT COURT
201 CAROLINE, 16TH FLOOR
HOUSTON, TEXAS 77002
(713) 274-4560

SCHEDULING ORDER INFORMATION AND NOTICE OF INTENT TO DISMISS

1. SCHEDULING ORDERS are generated by the Court Coordinator.
2. Pretrials in the 257th are conducted by the Judge or Associate Judge on an as-needed basis. PRETRIAL conferences will be scheduled on request of counsel. FAILURE TO APPEAR at either date may result in DISMISSAL FOR WANT OF PROSECUTION OR THE COURT'S ISSUING ADDITIONAL ORDERS WITHOUT THE INPUT OF THE ABSENT ATTORNEY. Generally, parties who are represented by attorneys are not required to attend the pretrial conference unless required by separate order
3. MEDIATION is required prior to trial except for good cause shown, and should take place as soon as discovery is substantially complete, or sooner if appropriate. It is understood that some cases are not appropriate for mediation, therefore, objections to mediation should be filed in writing and must be heard 30 DAYS PRIOR TO TRIAL or are WAIVED. Failure to attend a scheduled mediation prior to trial may result in DISMISSAL OF THE CASE FOR WANT OF PROSECUTION.
4. NO MOTIONS FOR CONTINUANCE will be heard on the date of trial. Motions for continuance must be filed and heard in compliance with the Texas Rules of Civil Procedure.
5. ATTORNEYS WITHDRAWING FROM A CASE must either: a.) Provide the substituting attorney with a copy of the scheduling order, or, b.) Provide the client with a copy of the scheduling order.
6. ATTORNEYS ENTERING INTO AN EXISTING CASE must file a "Designation of Counsel" with the DISTRICT CLERK'S OFFICE, including current mailing address. Failure to do so will result in the attorney's not receiving court generated notices, which shall not be a ground for relief in favor of the entering attorney or his/her client
7. UNCONTESTED MATTERS other than adoptions are heard Monday thru Friday at 8:30 a.m.
8. A FOUR HOUR PARENT EDUCATION CLASS is required in all cases involving children, except adoptions and terminations.
9. Local rules must be complied with regarding the exchange of inventories, FIS's and proposed divisions.
10. Adoptions are heard only as preferentially set by the Court and ONLY after a pre-trial conference has been conducted.

No. _____

In the District Court of
Harris County, Texas
257TH Judicial District

VS.

PREFERENTIAL TRIAL SETTING

Notice is hereby given that trial is set for the _____ day of
_____ 20____, at _____ o'clock _____m. in the above referenced
court for a period of _____ hours.

Parties have requested:

jury setting

Judge Warne

non-jury setting

Judge Patterson

AGREED TO:

Petitioner's Counsel

Respondent's Counsel

E

Cause Number

IN THE DISTRICT COURT

OF HARRIS COUNTY, TEXAS

257TH JUDICIAL DISTRICT

WAIVER OF OBJECTION TO ASSOCIATE JUDGE

The undersigned, being all parties in person or by and through their attorney of record, hereby waive any objection to the Associate Judge of this court hearing the following matter:

scheduled for _____ and waive
appeal to the referring court.

AGREED TO:

Petitioner

Respondent

Petitioner's counsel

Respondent's counsel

Other party

F

CAUSE NO. _____ * IN THE _____ TH DISTRICT COURT
AND _____ * HARRIS COUNTY, TEXAS

ORDER FOR MEDIATION BY DOMESTIC RELATIONS OFFICE

Pursuant to Tex. Civ. Prac. & Rem. Code Ann. §154.001, *et seq*, this cause is hereby **ORDERED** referred to mediation. **IT IS FURTHER ORDERED** that all parties and attorneys of record shall timely and fully cooperate with all reasonable requests of the mediator. No subpoenas, citations, writs or other process shall be served at or near the location of the mediation upon any person entering, leaving or attending the mediation. Upon completion of the mediation, the mediator is directed to advise the court, in writing, when the process was completed, whether the parties appeared as directed, and whether a settlement, in whole or in part, resulted. The confidentiality provisions of Tex. Civ. Prac. & Rem. Code Ann. §154.053 and 154.073 shall be observed and, except as permitted by statute, neither the mediator nor the mediator's files shall be subject to a subpoena or to a request for production filed by any person. If a settlement, in whole or in part, results, the parties/attorneys should, as soon thereafter as is practical, submit the settlement to the court for approval in accordance with Rule 11, Texas Rules of Civil Procedure and §153.007, Texas Family Code. **IT IS FURTHER ORDERED** that the issues to be mediated shall be temporary conservatorship, visitation, child support and limited property division. **MEDIATION IS AN ALTERNATIVE TO AND NOT A SUBSTITUTE FOR TRIAL. THE MATTER WILL BE TRIED IF NOT SETTLED.**

IT IS THEREFORE ORDERED THAT THE PARTIES NAMED ABOVE SHALL REPORT IMMEDIATELY TO THE INTAKE OFFICES OF THE HARRIS COUNTY DOMESTIC RELATIONS OFFICE, FAMILY COURT SERVICES DIVISION, IN ROOM 208, FAMILY LAW CENTER, 1115 CONGRESS, HOUSTON, TEXAS 77002 FOR SCREENING AND ASSIGNMENT OF A MEDIATION DATE AND TIME.

TYPE OF CASE: _____ Divorce _____ Modification _____ Other Suit Affecting Parent-Child Relationship

ADULT PARTIES: _____ COUNSEL: _____
Name Relationship to Child(ren) Represented by: Phone No.

Failure to appear for the assigned mediation will be admitted into evidence if a Show Cause hearing is necessary.

SIGNED the _____ day of _____, 20_____.

JUDGE PRESIDING

Cause Number

IN THE DISTRICT COURT

OF HARRIS COUNTY, TEXAS

257TH JUDICIAL DISTRICT

ORDER FOR DISMISSAL AT ENTRY

All counsel of record in the above mentioned case were notified by this court that this matter was set for entry of an order on _____.

] Neither counsel appeared

] Counsel appeared but no order was submitted.

] Order was not accompanied by appropriate, required forms

Accordingly, IT IS ORDERED that the above styled cause is hereby dismissed.

Signed on _____

PRESIDING JUDGE

Cause Number

_____ IN THE DISTRICT COURT

_____ OF HARRIS COUNTY, TEXAS

_____ 257TH JUDICIAL DISTRICT

ORDER FOR DISMISSAL FOR WANT OF PROSECUTION

All counsel of record in the above mentioned case were notified by this court that this matter was set for pre trial conference on _____.

] Neither counsel appeared

] Counsel appeared but was not ready.

] Local rules were not complied with.

Accordingly, IT IS ORDERED that the above styled cause is hereby dismissed for want of prosecution.

Signed on _____

PRESIDING JUDGE

Cause Number

IN THE DISTRICT COURT

OF HARRIS COUNTY, TEXAS

257TH JUDICIAL DISTRICT

ORDER FOR DISMISSAL FOR WANT OF PROSECUTION

All counsel of record in the above mentioned case were notified by this court that this matter was set for final trial on the merits on _____.

[] There were no appearances

[] Dismissal was requested by _____.

[] _____

Accordingly, IT IS ORDERED that the above styled cause is hereby dismissed for want of prosecution.

Signed on _____

PRESIDING JUDGE