

239th DISTRICT COURT GENERAL GUIDELINES

Court:

239th District Court, Brazoria County

Judge's Name:

Patrick E. "Pat" Sebesta

Court Address:

111 E. Locust Street
Room 214-A
Angleton, Texas 77515

Staff:

Clerk: (Civil) Krista Thompson	979-864-1309
Clerk: (Criminal) Jamie Savoy	979-864-1594
Court Coordinator: Debbie Selleck	979-864-1256
Bailiff: (Civil) Joe Lipscomb	979-864-1395
Court Reporter: Terri Sanchez	979-864-1258

Judge's Profile:

Date Licensed:

November 1993

Year Elected/Appointed:

January 1999

Previous legal experience/area of practice before becoming a judge and with whom:

Judge County Court at Law No. 2 : January 1999 to December 2002.

General

1. Can the court be contacted by e-mail or fax?

Yes.

If so, what is the number or address? e-mail:

debbies@brazoria-county.com fax: 979 864-1056 or 281 756-1056.

Does the court accept filings by fax or e-mail?

Yes, by email. The District Clerk can provide guidelines.

2. What is your preferred procedure for contacting the court in a true emergency?

Contact the Court Coordinator, Debbie Selleck, at 979 864-1256 or 281-756-1256.

3. Do you have any particular rules governing pre-trial orders?

No.

Is a form available?

No.

4. What is your procedure regarding pre-trial conferences, pre-trial settings, and scheduling of same?

Pre-trial settings are once a month during ancillary week which is the 4th week of the month. Pre-trial conferences are set upon request or by the Judge on his own motion.

5. Do you have a limited number of non-issues/pre-trial settings and a certain time period between settings?

Non-issue and pre-trial settings are always during ancillary week with no time period between settings. All ancillary matters are heard on Monday of that week and Motions for Summary Judgment are heard on Tuesday and Wednesday. All requests for settings are to be made through the Court Coordinator.

6. When and how should motions be set for submission/oral hearing? (i.e., set on a particular date or time, amount of notice to opposing parties for oral hearing other than summary judgments, etc.) See # 5 above.

Settings should be made 10 days in advance.

7. What is your preferred procedure for contacting the court or court staff regarding the status of motions? What procedures should be followed to obtain an expedited hearing?

Contact the Court Coordinator or the Court Clerk.

8. When do you regularly have docket call?

Second Friday of each month at 1:45 p.m. Cases on this docket call are assigned to trial the next month.

9. What requirements do you have concerning the dismissal docket and motions to retain?

Counsel is required to appear at the dismissal docket if they are requesting that a case be retained on the docket. If the case is retained on the docket, it will be assigned a trial date at that time.

10. Do you have any special rules governing courtroom decorum (e.g., addressing the court, opposing counsel or witnesses, requirement that counsel use only podium, approach the witness, talking or passing notes at the counsel table, beverages allowed at the counsel table, attire)?

Beverages are allowed at the counsel table with permission from the Judge. Proper attire is required. The Court will follow Rule 226, TRCP.

11. What is your procedure for setting a trial?

Certification request for a particular month sent to the Court Coordinator. Case is then set on docket call and is assigned to a particular trial date. All lead counsel are required to be present at docket call. (Example: Request for trial setting is sent in for the month of

September. Case goes on the August docket call to be assigned to a particular trial date in September).

Any special procedures?

Asbestos and other lengthy cases must have a DCO on file. Trial request along with a copy of the DCO must be sent to the Court Coordinator by the 20th of the month prior to the month of docket call.

Different for court vs. jury?

No.

12. Do you have any general guidelines in your court for opening and closing arguments (time, etc.)?

Generally no time limits for opening statements. The Court always sets a time limit for final arguments.

13. Do you allow telephone conferences for the resolution of motions or any other matters?

No, except in rare circumstances and they must be cleared by the Judge.

If so, who arranges them and when are they scheduled?

If the Judge agrees to a telephone conference, the Court Coordinator will schedule a time and the requesting attorney will make all the arrangements.

14. What criteria do you use for granting attorneys' fees, i.e., is legal assistant, law clerk or other support staff time included?

Time determination. Paralegal time may or may not be included as well as law clerks. Secretaries, etc. are not included.

15. What are your procedures and requirements for court appointments?

Criminal appointments are handled by the Court Administrator pursuant to the Fair Defense Act. Ad Litem: I first determine (1) if it is an agreed motion; (2) or a motion by the Plaintiff or the Defendant; (3) if the case is to be settled or tried then I make an appointment.

16. What are your procedures and requirements for court appointments of ad litem?

See above answer.

What criteria do you use in choosing a guardian ad litem and granting guardian ad litem fees?

Depends on the complexity of the case and the number of hours.

17. What are your procedures for jury voir dire (time periods per side, procedures for striking jurors)?

Maximum time allowed in major cases, usually one hour per side. After voir dire, challenges for cause then peremptory strikes. Capital Murder: Questionnaire filled out on opening day. Two days later each side gets to voir dire panel as a group - no questions allowed, just legal theories. Next day: individual voir dire limited to one half hour per side, eight jurors per day scheduled.

18. When do you want proposed jury issues presented (i.e., prior to trial, first day of trial, etc.)?
On the first day of trial.

Generally, do you prefer jury issues to be broad (global) form or special issue form interrogatories?

Broad form.

19. When (if ever) do you want a court (courtesy) copy of a pleading?
Usually just prior to arguments unless earlier requested.

20. Do you prefer copies of cases attached to briefs/motions?
Yes.

If so, do you prefer pertinent provisions of the cases to be highlighted?
Yes.

21. Is notice of rulings given by the court in writing?
Yes, if the matter was taken under advisement.

By telephone?

Occasionally, but always followed by a written ruling.

On party inquiry only?
No.

22. Does the court provide its own blackboard?
Yes.

Chart stand?
Yes.

Overhead projector?
No.

Video equipment?

The Court does not have video equipment. However, some video equipment is available through the Law Library.

And what arrangements must be made to use them?

Arrangements to use the video equipment must be made through the Law Librarian.

23. What are your procedures for referring cases to alternative dispute resolution?

Either on request or by me if the case is close to trial. All Asbestos cases must be mediated within 30 days of trial.

24. Under what circumstances do you order mediation, when is it ordered, and how is the mediator chosen?

If the parties cannot agree on a Mediator, then one will be appointed by the Court.

25. What is your procedure for continuing trials?

On dismissal docket cases, request must be made in writing 30 days in advance and approved by me.

How early will you grant/deny a request and how early do you want the request made?

Motions for Continuance on cases that are set on a docket call will be heard either on the ancillary docket or immediately after the docket call.

26. Are there special practices or procedures lawyers appearing before you should know about?

No.

27. Any pet peeves?

Yes. Side bar remarks, lawyers arguing my ruling, personal attacks between attorneys (these I usually handle up front), and, if you announce ready at docket call, I assume your case is ready for trial.

28. Any special suggestions, admonitions or recommendations you would make to lawyers appearing before you?

Don't argue rulings. No side bar remarks. Don't argue objections unless I ask. No bench conferences unless it's serious. Don't submit computer generated Motions in Limine that a secretary prepared. If the limine request is so inflammatory an objection in trial I would be useless, then submit it to me, otherwise, object during trial. I don't like to try cases twice - once before me and once before the jury.

Civil Cases

29. Do you have any particular rules governing motions and orders?

No specific rules.

When should proposed orders be submitted with the court?

Once I have made a ruling on the motion, I will give you an entry date.

a. Discovery motions:

Set on Monday during ancillary week. (4th week of the month)

b. Motions for summary judgment:

Set on Tuesday and Wednesday of the ancillary week at 9:00, 10:00, 11:00, 1:00.

c. Motions to dismiss/nonsuit:

Motions to dismiss/non-suit will be heard on a submission basis. Motions should be filed with the District Clerk along with an order. (D.W.O.P.): DWOP's will be set for hearing. Call the Court Coordinator to get a date and time. Requesting party is responsible for notifying opposing counsel.

d. Motions in limine (i.e., when presented day of voir dire or before):

Motions in Limine will be heard the day of voir dire. Please do not file computer

generated motions in limine.

e. Other motions (special exceptions, sanctions, severance/consolidation, default judgment, etc.):

All are heard during ancillary week. Call Court Coordinator to obtain a setting.

Motions to Sever in multi-party cases:

I rarely ever grant Motions to Sever.

Criminal Cases

30. Do you have any particular procedure regarding filing, hearing or granting motions?

a. Bond hearings:

Set by the District Court Administrator usually during my criminal week or my ancillary week.

b. Pre-trial release hearings:

None - except on special request.

c. Identification hearings:

At time of trial.

d. Suppression hearings:

At time of trial. Suppression hearings may be heard prior to trial if approved by the Court.

e. Competency hearings:

Usually at time case is set for trial on the merits. If found competent, another jury is empaneled on the merits.

f. Motions to quash pleadings:

At pre-trial.

g. Other:

31. Does the court have any special procedures regarding viewing DWI videotapes?

No.

32. Are any forms required by counsel to prepare at the initial setting?

No.

33. Do you have any special procedures regarding arraignment?

No.

34. Do you have any general guidelines in your court for opening and closing arguments (time, etc.)?

A time limit for closing arguments will be given by the Judge.

35. Do you have any special procedures regarding the handling of pre-sentence investigations?

No.

Family Cases

36. What is your policy concerning preferential settings of cases?

This Court usually does not handle family court cases.

37. What is your policy concerning the legislative guidelines on visitation when the case is a waiver or default divorce?

N/A (See above answer).

38. What is your policy when a party refuses to file an inventory in order to delay finalization of a divorce?

N/A.

39. What time limits do you impose on testimony in: (1) show cause hearings; (2) child custody matters; (3) child support modification hearings; (4) property division hearings?

N/A.

40. Do you have a policy regarding attempted ex parte discussions with the court or court staff about court rules, cases or case settings?

The Court does not engage in ex-parte communications.

41. Under what circumstances do you appoint receivers?

N/A.

42. How often do you order a social study conducted (never, rarely, commonly, usually, always)?

N/A.

43. Under what circumstances will you order interim attorneys' fees?

N/A.

43. Under what circumstances will you order a joint managing conservatorship?

N/A.

44. Under what circumstances will you order the services of a mental health professional?

N/A.