



W. EDWIN DENMAN
District Judge
412th Judicial District
Brazoria County, Texas

**PROCEDURES FOR SETTING CIVIL MATTERS
412TH DISTRICT COURT
BRAZORIA COUNTY, TEXAS**

THE CIVIL TRIAL DOCKET

TRIAL SESSIONS: The Court will schedule certain weeks for civil trials. This schedule will be posted in the office of the District Clerk and published on the Website for Brazoria County.

SETTINGS: The Court encourages the use of a Docket Control Order (DCO) to set trial dates. A DCO will be required in all Level III Discovery cases. The Court will schedule no more than seven (7) cases for trial each week by DCO. These will be the first seven (7) cases that week which will be called for trial. All other parties wishing to obtain a trial setting for those weeks can do so by making a Trial Setting Request, but these cases will be listed behind those which are already listed by virtue of the DCO irrespective of the age of the case. If the case set by a DCO is not reached on the trial week, it will be given priority in resetting or will be reset on the next available Special Setting Week which is the fifth week in a month.

If there is no Docket Control Order in place, no Trial Setting Request may be made, except with leave of Court, on any case that is proceeding under Level II Discovery earlier than ten (10) months after the date the Defendant's Answer was filed, or under Level III Discovery earlier than fifteen (15) months after the Defendant's Answer was filed. In a multi-defendant case, the time will begin to run after the date the first Defendant's Answer was filed.

A civil case may be set by an attorney of record or by the Court.

- (a) Settings in the Court must use the form of DCO or Trial Setting Request required by this Court. No Trial Setting Requests will be accepted if they are not on the form required by this Court.
- (b) Cases will be set upon receipt of timely request without further confirmation. However, counsel must not request a trial setting without the consent of the Court, or of all parties, earlier than the trial date on the DCO, or if no DCO is in place, earlier than is permitted by these procedures.
- (c) Trial Setting Requests must be received by the Court Coordinator for the 412th District Court not later than sixty (60) days prior to Docket Call for the month requested for a trial setting.

If a party desires to enter a DCO and is unable to secure the agreement of all parties, that party should request a hearing to enter a DCO.

DOCKET CALL: Because of this Court's preferred use of DCO's to set trials, Docket Call, which is the second Friday of each month at 1:45, is used only for cases set by Trial Setting Requests or to hear Motions for Continuance. All cases that have been set by Docket Control Order or by Order of the Court are presumed to be ready for trial unless a Motion for Continuance is filed and timely notification is given to all opposing parties and the Court at least seven (7) days before Docket Call. Except for unforeseen circumstances, Motions for Continuance must be heard on or before Docket Call. All cases not set by DCO or Order of the Court must be present and announce at docket call. **ONLY cases set by Trial Setting Request must be present and announce at Docket Call.**

AGREED PASS: Cases (except those set by the Court) may be passed one time by agreement prior to docket call. Afterward, the Court must approve any pass or delay. If a case has a DCO in place and a trial setting is passed, either by agreement or on Order of the Court, a new DCO must be entered setting a trial date or the parties may use a Trial Setting Request.

THE CIVIL ANCILLARY DOCKET

SETTINGS: Requests for hearing contested motions and other ancillary civil matters shall be made by telephone (preferable) or in writing to the Civil Docket Coordinator of the Court, who will set the matter for an available day and time in accordance with instructions from the Court. The requesting attorney must give proper written notice to all opposing counsel of such setting.

Contested ancillary matters in civil cases will be heard on Mondays, Tuesdays, and Friday afternoons of the Ancillary Week, which is the third (3rd) full week of each month for this Court. However, if you have emergency ancillary matters that must be heard at other times, depending on the Court's docket, ancillary matters may also be scheduled for an 8:30 hearing or at the end of some trial weeks. However, except with prior Court approval, the 8:30 hearings must be completed before 9:00 a.m., so you will need to estimate your time accurately. Contested matters are not considered by submission.

PASS OF A NOTICED HEARING: After a Notice of Hearing has been sent, the hearing may be passed by calling the Civil Docket Coordinator of the Court after either acquiring the consent of all parties or by the party requesting the hearing giving at least three (3) business days written notice to all other parties with a copy to the Court. If no Notice of Hearing has been sent, a hearing can be passed by the party requesting the setting by notice to the Civil Court Coordinator requesting that the hearing be passed and certifying that no notice of the hearing has been given.

NO HEARING WILL BE HELD ON ANY MOTION, EXCEPT FOR CERTAIN MOTIONS SUCH AS SUMMARY JUDGMENTS OR PLEAS TO JURISDICTION, UNLESS THE MOTION HAS ATTACHED TO IT THIS COURT'S CERTIFICATE OF CONFERENCE BETWEEN COUNSEL.



The forms for Docket Control Orders and Trial Setting Requests for the 412th District Court are available at the Brazoria County website which is <http://www.brazoria-county.com>. They are posted as Downloadable Forms at the link below. You can also find other forms and procedures for this Court, including the Certificate of Conference Between Counsel, as well as the Court's Schedule.

<http://www.brazoria-county.com/DistrictAndCountyCourts/412thDistrictCourt.asp>