



**505<sup>TH</sup> DISTRICT COURT**  
**HON. KALI MORGAN, PRESIDING JUDGE**  
**HON. LATOSHA MCGILL CLAYTON, ASSOCIATE JUDGE**

**RULES OF PRACTICE**

Effective **January 1, 2021**, the following rules of practice will apply to all legal proceedings in the 505<sup>th</sup> District Court. These policies and procedures do not supplant the Fort Bend County Local Rules.

The 505<sup>th</sup> District Court adheres to the Texas Rules of Professional Conduct, the Texas Lawyer's Creed, and the Texas Code of Judicial Conduct. Violations will result in appropriate sanctions.

**The following rules apply to both attorneys and self-represented litigants.**

**1. GENERAL**

- a. Each party shall consult the applicable state law(s) and the Fort Bend County Local Rules for additional specifics and time deadlines.
- b. The court's telephone number is **281-238-3244**. The court staff does **not** provide legal advice or participate in ex parte communications (except as allowed by law).
- c. General communication with the court is preferred by email to Angella Powers, Court Coordinator at: [Angella.Powers@fortbendcountytexas.gov](mailto:Angella.Powers@fortbendcountytexas.gov) (**Do not use this email address to request a hearing date or to submit exhibits. Please follow the instructions below.**)
- d. The 505<sup>th</sup> is a paperless court. Pleadings and other documents are routed electronically through the Fort Bend County District Clerk's office. **All pleadings and/or documents must be filed with the District Clerk.** Questions regarding documents, files, filings, service, etc. should be directed to

the District Clerk's office at 281-341-4509. **Please do not include the Court or the Court Coordinator on any e-service requests.**

- e. **CASE ASSIGNMENTS:** All cases ending in **ODD** numbers will be heard by Kali Morgan, Presiding Judge in courtroom (1-C). For Zoom hearings, please refer to the court's Zoom Hearing Procedures located on the court's website.
- f. All cases ending in **EVEN** numbers will be heard by LaTosha McGill Clayton, Associate Judge in courtroom (1-A). For Zoom proceedings, please refer to the court's Zoom Hearing Procedures located on the court's website.
- g. Appropriate professional attire is required for all appearances whether in person or on Zoom. Electronic devices should be in silent mode at all times. No food or gum chewing is allowed in the courtroom or during Zoom proceedings. During in person hearings or trials, attorneys may have water at counsel table. **No photos or videos are allowed, except in adoption cases.** Zoom hearings may be broadcast live on the court's YouTube channel. **Recording or screenshotting is strictly prohibited.** Please refer to the court's Zoom Hearing Procedures for more information. Social Distancing regulations apply at all times in the courtroom.
- h. **LATE CALLS:** No late calls will be accepted while we are under the Supreme Court's COVID-19 Emergency Orders. Attorneys and parties are expected to appear at their scheduled time. Attorneys are responsible for ensuring that they do not have conflicting settings. If there are extenuating circumstances, please contact the Court Coordinator. **In cases of Inclement Weather, please refer to the court's Inclement Weather Policy on page 11.**
- i. **DOCKET CALLS:** There will be no in person docket calls while we are under the Supreme Court's COVID-19 Emergency Orders. **Do NOT appear in court unless prior approval is obtained from the Court Coordinator.**
- j. **UNCONTESTED DOCKET:** There will be no walk-in/sign-up dockets while we are under the Supreme Court's COVID-19 Emergency Orders. Agreements may be approved by Zoom hearing or by submission with affidavit(s).
  - i. To request a hearing on an uncontested matter, please send an email to: 505Hearings@fortbendcountytexas.gov. The subject line of the email must include the cause number, the case name, and the type of hearing requested. For example, "*Cause Number 20-DCV-0000, Smith v. Smith,*

*Final Divorce Hearing*". The Court Coordinator will respond with available dates/times.

- ii. Please review the **Zoom Hearing Procedures** and *Uncontested Matters Checklist* located on the court's website prior to your hearing. All required documentation must be filed with the District Clerk's office at least 24 hours before the date of your hearing. Failure to timely file the required documents will result in your hearing being reset.
- k. **AGREED ORDERS:** Agreed orders must contain signatures of all parties and attorneys. All signatures must be distinctive written signatures or electronic signatures generated by the signing party. Agreed orders may NOT be signed by permission or by using "/s/ Typed Name."
  - i. Agreed Orders must indicate (1) that the parties did not appear in person but agreed to the terms of the order as evidenced by their signatures; and (2) that the making of a record was waived.
  - ii. Any sworn affidavit must be attached to the proposed order as an exhibit and must include the same information that would be solicited during a prove-up with the witness in the courtroom.
- l. **SUBMISSION DOCKET:** Notice of the submission setting must be served at least 10 days before the date of the hearing, or more if required by statute or rule. The notice must state that: (1) the motion will be heard by submission; (2) no party may appear for the hearing in person; and (3) any response to the motion must be on file at least 3 days before the submission date, or longer if required by statute or rule.

The following contested motions will be heard by submission; if the court believes that an oral hearing is needed, the court will contact the parties with further instructions:

- Motions for Adoption Evaluation
- Motions for Alternative or Substituted Service
- Motions for Appointment of Attorney Ad Litem or Amicus
- Motions for Custody Evaluation
- Motions to Confer with a Child
- Motions to Consolidate or Sever
- Motions for Continuance (see Section 8 below)
- Motions to Enter

- Motions for Judgment Nunc Pro Tunc
- Motions to Reinstate/Retain
- Motions for Mediation (set/waive)
- Motions for Withdrawal/Substitution of Counsel

\*Motions may be set concurrently with a hearing for temporary orders, pretrial, or final trial if there is not enough time to set them by submission before the hearing/trial.

- m. OBJECTION TO ZOOM HEARINGS: An objection to a Zoom hearing must be set on the court's submission docket. A lack of comfort or familiarity with Zoom will not constitute good cause.
- n. CHILDREN IN COURT: Children may not be brought into the courtroom without court approval. If the court approves a request for a child to be interviewed in chambers, the child should be brought to the courthouse at the scheduled interview time. Upon arrival, please check in with the Court Coordinator by phone Do not enter the courtroom.

## 2. PARENTING CLASSES

- a. Parents and/or conservators in all contested cases involving children are required to complete a 4-hour parenting class. The court may order an 8-hour parenting class if determined necessary. The certificates of completion must be filed with the District Clerk's office before the case is finalized.
- b. Possession and access may be restricted for any party refusing to participate in the required parenting course.
- c. The Court recognizes and approves the following **in person** courses (in no particular order):

**Parenting 101** (currently being offered via Zoom)  
DePelchin Children's Center  
713-730-2335

**Escape Family Resource Center**  
713-942-9500

- d. The Court recognizes and approves the following **online** courses (in no particular order):

**Putting Kids First**

<https://puttingkidsfirst.org>

**Texas Cooperative Parenting**

<https://txparent.com>

**Parent Class Online**

<https://www.parentclassonline.com>

**Co-Parenting into the Future**

<https://coparentingintothefuture.com>

**Family Affairs**

<http://familyaffairs.org>

**Kids First**

<https://kidsfirsttoday.com>

**Parenting Choice**

<https://www.parentingchoice.com>

**3. MEDIATION**

- a. Mediation is required prior to any temporary orders hearing if rights and duties and/or possession and access are at issue. A party's refusal to schedule or attend mediation will not be an excuse to avoid a temporary orders hearing. If a party is being denied possession of the party's child, the court may waive the mediation requirement.
- b. In all other cases, mediation is required prior to any temporary orders hearing if the total time estimate for the hearing exceeds **3 hours**.
- c. Mediation is required prior to final trial in all cases (except protective orders and enforcement/contempt actions). Failure to mediate before trial may result in the case being dismissed. Mediation for Temporary Orders does not satisfy this requirement.
- d. Mediation may be waived after filing a motion and upon a showing of good cause. The motion must be heard at least 10 days prior to the trial date.
- e. Parties may agree to resolve a case without formal mediation. *Please see the*

*rules governing Agreed Orders above.*

- f. Parties should make a good faith attempt to agree on mediators. If no agreement can be reached, a motion should be filed with the court and the court will choose a mediator from the wheel. \*The court may deviate from the wheel for good cause.
- g. The Fort Bend County Dispute Resolution Center “DRC” also mediates cases for parties regardless of income. The DRC currently utilizes an income based fee scale to determine each individual party's cost of mediation. They may be reached at 281-342-5000.

#### **4. CONTESTED HEARINGS/TEMPORARY ORDERS**

- a. Requests for contested hearing dates **must** be made by sending an email to: 505Hearings@fortbendcountytexas.gov. All attorneys and self-represented litigants must be copied. The subject line of the email must include the cause number, the case name, and the type of setting requested. For example, “Cause Number 21-DCV-000000, Smith v. Jones, Temporary Orders Hearing”. The Court Coordinator will reply-all with the court’s availability. **Emails requesting contested hearing dates must include the total estimated time for the hearing.**
- b. Notice and proof of notice to the opposing attorney or party shall be pursuant to the Texas Rules of Civil Procedure. Please refer to the court’s **Zoom Hearing Procedures** for a sample Notice of Zoom Hearing. The Zoom meeting ID and password must be included the Notice of Hearing.
- c. All requests for Temporary Orders hearings **must** state whether the parties have mediated. Temporary Orders hearings may be limited to 1 hour per side.
  - i. In any hearing for temporary orders in which child support or spousal support is an issue, completion and exchange of Financial Information Statements, copies of income tax returns for the past two years, and the three most recent payroll stubs shall be exchanged prior to the commencement of the hearing. Working copies of the Financial Information Statements are advised for the court. Blank forms can be found on the court’s website.
  - ii. **Ex parte temporary restraining orders** should be joint and mutual, although exceptions may be made if supported by affidavit. In divorce

actions, ex parte temporary restraining orders should use the language included in section 6.501 of the Texas Family Code. In SAPCR cases, the court will strike certain proposed injunctions (such as alcohol or paramour injunctions) if not supported by an affidavit.

- iii. If the parties reach an agreement prior to the scheduled contested hearing date, the agreement may be proven up on the uncontested docket. At that time, an entry date and a final trial date will be set.

## 5. TRIAL SETTINGS

- a. Requests for trial dates must be made in accordance with paragraphs 4(a) and (b) above.
- b. **If your case is assigned to the Associate Judge for trial**, the Waiver of Appeal from Associate Judge's Ruling/Recommendation form must be signed by all attorneys and parties and filed prior to your trial date. Failure to file the form may result in your case being removed from the Associate Judge's docket.
- c. **Scheduling Orders and Pretrial Conferences** are required for jury trials, terminations and adoptions, and bench trials with a total time estimate that exceeds **one day**. Pretrial conferences will be set no less than 14 days prior to the trial setting. Blank *Scheduling Orders* and *Pretrial Conference Checklists* can be found on the court's website.
  - i. If the *Pretrial Conference Checklist* is completed and signed by all attorneys and parties, with all prerequisites met, attendance at the pretrial conference setting is **not** required. A copy of the signed *Pretrial Conference Checklist* must be filed prior to the date of the Pretrial Conference.
  - ii. A nonappearance by attorneys and parties without a completed and signed *Pretrial Conference Checklist* being on file may result in the case being dismissed for want of prosecution.

## 6. EXHIBITS – PLEASE READ CAREFULLY

- a. In all cases other than contempt proceedings and cases under a Scheduling Order, exhibits **must** be marked and exchanged **by 12:00 PM** the business day before the hearing. The exchange of exhibits on the day of hearing or trial will

not be permitted unless they are rebuttal exhibits or exhibits that could not have been anticipated. **Failure to timely mark and exchange exhibits may result in the exclusion of those exhibits.**

b. Parties should attempt in good faith to obtain an agreement regarding exhibit admissibility before the hearing or trial.

c. **Court Copies:**

- i. No paper copies will be accepted. Exhibits for all proceedings **must** be delivered to the court via email to: [505Exhibits@fortbendcountytexas.gov](mailto:505Exhibits@fortbendcountytexas.gov) or on a USB Flash Drive as specified below. **Do not email exhibits to the Court Coordinator or to the Court Reporter.**
- ii. Exhibit emails **must** be received prior to the start of the hearing. The subject line of the exhibit email must include the cause number, party designation/name, and hearing date. For example, "*Cause No. 21-DCV-000000, Respondent Jones, January 1, 2021.*" All attorneys and self-represented litigants must be copied.
- iii. **LESS THAN 50 PAGES:** If a party's combined exhibits are **less than 50** total pages, submission by email only is sufficient. However, please be advised that the Court Reporter does not have access to a color printer. Admitted exhibits will be printed and delivered to the District Clerk's office in black and white. If color is important, exhibits must be delivered on a USB Flash Drive as indicated below.
- iv. **MORE THAN 50 PAGES:** If a party's combined exhibits **exceed 50** total pages, the exhibits may only be delivered to the court on a USB Flash Drive.
- v. **AUDIO/VIDEO:** Audio and video files **must** be on a USB Flash Drive.
- vi. Flash Drives **must be received** by 12:00 PM the business day before the hearing. Flash Drives must be clearly labeled with the cause number, party name and hearing date.
- vii. Flash Drives may be delivered in person or mailed to:

505<sup>th</sup> District Court  
Attn: Melinda Bowers  
301 Jackson Street (mailing address)

1422 Eugene Heimann Circle (physical address)  
Richmond, TX 77469

**Please be mindful of the deadline when delivering by mail.**

- viii. **All exhibits must be accompanied by an Exhibit List.** A sample Exhibit List can be found on the court's website. Exhibit Lists may be e-filed with the District Clerk's office, but the exhibits should NOT be filed.
- ix. The only formats accepted are PDF for documents, JPG and PNG for images, and MP4 for audio and videos.
- x. Each exhibit **must** be saved or attached as a separate file and the file name **must** include the exhibit number AND a brief description of the exhibit. For example, "*Petitioner Exhibit 5 - Bank Statements*"
- d. The party tendering the exhibits is responsible for ensuring that files are saved correctly. Documents and photos should be as clear as possible and scanned upright (not sideways or upside down).
- e. The party tendering the exhibits is responsible for ensuring that witnesses have copies of the exhibits for use during Zoom hearings. The Court Reporter will NOT forward or otherwise circulate exhibits to anyone other than the court. The "share screen" feature may be used during Zoom hearings. The party tendering the exhibits is responsible for screen sharing.
- f. For property divisions involving marital estates with numerous assets or debts, include with the exhibits an editable file (e.g., MS Excel) containing the party's proposed property division.
- g. **Failure to comply with these procedures may result in exhibit exclusion.**

## 7. ADOPTIONS

- a. A pre-trial conference is required in all adoption cases. The consummation date will be set at the pre-trial conference. The proposed final order and all required documentation must be filed before the pre-trial conference. To request a setting, please send an email to [505Hearings@fortbendcountytexas.gov](mailto:505Hearings@fortbendcountytexas.gov). All attorneys and court-appointed advocates must be copied. Please include the cause number and case name in the subject line of your email.

- b. Failure to file the required documents prior to the pre-trial conference will result in the pretrial conference being reset.

## **8. CONTINUANCES**

- a. For cases pending less than one year, the first continuance will be granted with or without cause by agreement of the parties. Subsequent requests require a motion and a hearing.
- b. For cases pending more than one year, a request for continuance requires a motion and a hearing (even if it is unopposed or agreed). If the continuance is granted, a new trial date will be set at that time.
- c. The birth or adoption of a child by lead counsel or a party shall create a rebuttable presumption that a 90 day-continuance should be granted upon request.

## **9. DISMISSALS FOR WANT OF PROSECUTION (DWOP)**

- a. Petitioner's or Movant's nonappearance at trial will result in DWOP if parties have been properly noticed for trial.
- b. Nonappearance by parties and their counsel at the scheduled pretrial conference may result in DWOP.
- c. A case may DWOP if, on the day of entry of a Final Order, there is no appearance and no proposed Final Order has been filed.

## **10. DISCOVERY DISPUTES**

- a. Requests for hearing will not be granted unless the party requesting the hearing files a *Certificate of Conference* detailing all efforts made to communicate with opposing counsel or self-represented party regarding the discovery dispute. A lack of substantial efforts to communicate (e.g., leaving a single voicemail) may affect the outcome of the hearing.
- b. Motion to Quash Deposition: If the motion is based on the unavailability of the lawyer or witness, the party filing the motion to quash must provide at least **3** alternative dates within the body of the motion for the taking of the deposition.

## **11. AMICUS/AD LITEM APPOINTMENTS**

- a. To be eligible for Court Appointments in the 505<sup>th</sup>, the *Application for Court Appointments* (located on the court's website) must be completed and submitted between January 1 and January 31 of each calendar year. Appointments are made based on the facts and/or conduct of the parties and as required by law.
- b. The parties may agree to an Amicus/Ad litem Attorney, but judicial approval is required. In the absence of agreement, the court will select an Amicus/Ad Litem from the wheel. \*The court may deviate from the wheel for good cause.
- c. If during a Temporary Orders hearing the court finds the need for an Amicus Attorney, the case will be recessed.

## 12. DEFAULTS

- a. All default hearings require the following documents to be filed **before** the hearing date:
  - 1. Certificate of Last Known Address per Rule 239a
  - 2. Non-Military Affidavit
  - 3. Return of Service (on file for a minimum of 10 days)
  - 4. A sworn inventory and appraisal (divorce matters >\$50,000)
  - 5. Completed Default Checklist (available on court's website)

## 13. NAME CHANGES (EXCEPT IN DIVORCE MATTERS)

- a. All requests for an adult name change require a fingerprint card AND criminal background check by the Texas Department of Public Safety. All documents including the criminal background check and fingerprint card must be filed with the District Clerk's office prior to the final hearing.

## 14. INCLEMENT WEATHER POLICY

- a. The 505<sup>th</sup> District Court will follow the announcement of Fort Bend Independent School District (FBISD).
- b. If FBISD closes due to inclement weather, the 505<sup>th</sup> District Court will also close.
- c. **Court Closure:** All cases set on a day that the court is closed due to inclement weather will automatically be reset to 1:30 p.m. on the Friday following the date

of closure on a special **“Inclement Weather Docket.”** If FBISD closes or remains closed on Friday, cases will be reset to 1:30 p.m. on the next Friday that FBISD is open.

- i. The Inclement Weather Docket will be to determine whether the case will be reset to a future date or if the matter can be heard that day.
  - ii. If an attorney or party is unable to appear at the Inclement Weather Docket, a reset may be requested by emailing the court coordinator. All attorneys and/or self-represented litigants must be copied.
- d. **Delayed Start:** If FBISD is on a “delayed start,” the 505<sup>th</sup> will delay start as well. Please contact the Court Coordinator to confirm the time of your hearing. Due to anticipated time constraints, the time allowed for each hearing may be limited. If an attorney or party is unable to appear at the updated start time, a reset may be requested.

SIGNED ON: January 7, 2021



**Kali Morgan, Presiding Judge**



**LaTosha McGill Clayton, Associate Judge**