

PRACTICE TIPS FOR THE 442ND DISTRICT COURT

JUDGE TIFFANY HAERTLING

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1. Child Interviews

If a Motion for Judge to Confer with Child(ren) is filed, it will be set contemporaneously with the companion hearing i.e. a request for temporary orders or final hearing. Child Interviews are not set as standalone hearings or set with hearings that do not pertain to specific child issues. DO NOT bring the children to Court for this or any hearing unless specifically directed to do so by the Judge or Court staff. The Court hears the evidence at the companion hearing or trial and then makes a ruling on the Motion for Judge to Confer with the Child. If the motion is granted, the interview with the child will be scheduled on a separate date and time. In scheduling the interview, the Court will consider the children's school and extracurricular activities in order to cause the least amount of disruption to the children.

2. Communication with Court Administrator/Judge

Please be advised that the Court Administrator is available BY EMAIL ONLY at Ali.Hayslip@dentoncounty.gov. When sending an email, please be sure to carbon copy or CC all opposing counsel or self-represented litigants on the email if they have made an appearance in the case or a certificate otherwise warrants it. Additionally, please be sure to include the Cause No., the title of the motion, your requested action, and if that request

includes a hearing, how much total Court time you are requesting. Please note that only once the file-marked motion is received back from the District Clerks should an email be sent. If after a warning by the Court Administrator, opposing counsel or the self-represented litigant is not included, the Court Administrator will not be able to respond and the email will be deleted. Court Administrator's email: ali.hayslip@dentoncounty.gov.

As a reminder, do not attempt to communicate with Judge Haertling unless directed to do so specifically by Judge Haertling or by the Court Administrator at the direction of Judge Haertling.

WARNING

Do not attempt to contact a judge - by mail, e-mail, phone, or in person - about any pending or potential lawsuit. Doing so may result in serious consequences.

3. Conference on Dates

This Court requires conferencing on hearing or trial dates provided by the Court Administrator prior to setting the hearing or trial in which a case is ongoing. For example, if you file a new suit or reopen an existing suit in which the other side has not been served or filed an Answer or otherwise made an appearance, conference is not required. However, for example, if you have an active modification case and file an enforcement, conference with the other side is required. Judge Haertling requires allowing two business days for the other side to check their calendar and respond with availability. If there is no response, you may include back in the Court Administrator, advise of attempts to confer and request the setting. Email is the preferred and if provided, required mode of conferencing on dates with the other side. A person is considered available if they do not already have a vacation letter on file or are in deposition, mediation or another hearing. Failure to confer will result in your case not being heard. Additionally, conference is required with self-represented litigants. Self-represented litigants are acting as their own attorney and are afforded the same courtesy.

4. Continuances

Any continuance (even if agreed) for a case that was filed more than 18 months ago requires a hearing and court approval. If the Motion for Continuance is not agreed, it must be set for hearing. Any continuance for a case set off a DWOP docket requires a hearing and court approval regardless of agreement or age of case. If a Motion for Continuance is agreed for a case younger than 18 months, please also e-file a proposed Agreed Order Granting Motion for Continuance as its own separate lead document. Please include a blank for the reset date. If the Court grants the continuance, the court coordinator will email counsel with available reset dates and fill in the order prior to sending down to the District Clerk's office.

5. Court's Dismissal Hearing

The Court sets dismissal dockets at its discretion. Notices of Dismissal Setting are mailed by first class mail to the addresses for the attorneys of record and/or self-represented litigants on file. The Notice is also filed in the case file. The Notice of Dismissal Setting contains specific steps, and deadlines for those steps, that must be taken in order for the case not to be dismissed at the time of the hearing. If the steps are not followed, counsel and self-represented litigants must appear at the Court's Dismissal Hearing. If counsel and self-represented litigants do not appear, the case will be dismissed for want of prosecution. If the dismissal is unopposed, counsel and self-represented litigants need not appear.

6. Court's Entry Docket

Upon ruling by Judge Haertling, settlement announcement to the Court Administrator, or receipt of a Mediated Settlement Agreement or Mediator's Report to the Court, the case will be placed on the Court's Entry Docket for entry of temporary or final orders. The Court's Entry Docket is **not** a Dismissal Docket. It is designed to be the Court's own built in Motion to Enter or Sign. No other motions including a party's Motion to Enter/Sign, will be set at the Entry Docket. If the corresponding order is not entered prior to that date, all counsel and self-represented litigants must attend the hearing to discuss any issues with Judge Haertling. Only once the agreed order is received in the e-file queue, may it be removed from the Court's Entry Docket. **Entry Dockets are held approximately twice a month at 8:30 a.m. IN PERSON.** To request additional time to complete an order, please email the Court Administrator at ali.hayslip@dentoncounty.gov with opposing counsel or any self-represented litigants included. Typically, one extension total is permitted. After that, counsel must attend the Court's Entry Docket to discuss the matter with Judge Haertling.

7. CPS Requirements

Please see the 442nd District Court CPS Requirements 2024 located on the Court's website.

8. Denton County District Clerk

The District Clerk's office provides additional information on its website at [District Clerk](#). Please take the time to review. Additionally, if you are requesting copies of filed documents, looking to issue notice or citation, or have the constable serve a party, please contact the District Clerk.

9. District Court Administration

Please visit the website for [District Court Administration](#) for Denton County Standing Orders and Denton County Local Rules, Documents, Forms, and Court Support Contacts. Please be advised that District Court Administration handles a separate area of Court Administration and cannot assist you with matters in the 442nd District Court. Additionally,

please note that Jury Weeks provided on its website are not necessarily dates available for all Courts. Please email the Court Administrator for the 442nd District Court according to the email requirements to request available trial dates.

The Denton County Standing Orders are not a suggestion. This Court takes the standing orders very seriously. Please take the time to review.

Please take the time to review the “Denton County Local Rules” (Uniform Rules of Court for the District and Statutory County Courts of Denton County, Texas). Some rules have been adjusted to fit the best practices of the 442nd District Court. If at any time they overlap, this document will control the practices of the 442nd District Court.

10. Ex Parte Relief – TROs, TEXPO, WRIT, etc.

Please see 2024 TRO, TEXPO, WRIT Requirements located on the Court’s website.

11. Filing Pleadings, Motions, Notices, Proposed Orders

Only once you have received the file-marked motion back of a pleading or motion, may you contact the Court Administrator for available hearing dates. The Court Administrator is unable to provide dates until a pleading appears on the Court’s system. Once you follow the Court’s requirement to set a hearing, please make sure that you e-file notices of hearing and proposed orders as their own separate lead documents. Failure to do so will result in the notice or order being filed as an exhibit to the pleading. Note that a notice of hearing or proposed order cannot be contained within a motion. Motions are not forwarded to the Court Administrator’s e-filing queue. It is the responsibility of the moving party to bring the motion to the attention of the Court Administrator if a hearing is needed. If a notice will require a signature, please use *Judge/Court Administrator* in the signature block. Please use a blank line for the date. Reminder that ‘order’ and ‘shall’ language require a judge’s signature.

Do not use parties’ initials in pleadings. Use each party’s full name in the style of the case and in the body of the pleadings. The Family Code requires that parties’ names be used.

Do not use children’s initials in pleadings. Use children’s full names in the style of the case and in the body of the pleadings. The Family Code requires that children’s names be used.

12. Hearings, Final Trials, Jury Trials, Settings, Time Limits, and What to Bring

Hearings, Final Trials, Jury Trials

To set a Hearing, Final Trial or Jury Trial, in the 442nd District Court:

1. Please email the Court Administrator at ali.hayslip@dentoncounty.gov with the opposing counsel or self-represented litigant included if they have made an appearance in the case.
2. For a request for a Hearing: Please identify the Cause No, style, title of motion you would like to set for hearing and how much total court time is needed for the hearing (note, you must have a motion in order to obtain hearing dates).
For a request for a Final Trial or Non-Jury Trial: Please identify the Cause No, style, request for a final trial and how much total court time is needed for the final trial.
For a request for a Jury Trial: Please identify the Cause No, style, request for a Jury Trial and how much total court time is needed for the jury trial.
3. You will be provided with the Court's available dates and must confer upon the dates with opposing counsel or the self-represented litigant without the Court Administrator included in order to find a mutually agreeable date.
4. Once both sides have agreed on a date, please include the Court Administrator back into the email with opposing counsel and the self-represented litigant and advise her of same.
5. The Court Administrator will confirm the setting and direct you to e-file one of the following:
For a Hearing: your notice of hearing or order to appear with the date and time filled in.
For a Final Trial: your notice of hearing or order to appear with the date and time filled in AND the court's applicable Scheduling Order located on the Court's website with all deadlines filled in with actual dates (do not write per TRCP). No other Scheduling Order will be accepted.
For a Jury Trial: the court's applicable Scheduling Order located on the Court's website with all deadlines filled in with actual dates (do not write per TRCP). No other Scheduling Order will be accepted

Please note that Final Trials requiring one day or more require a Docket Call. You will be provided this pre-assigned date when final trial dates are provided. The Docket Call will be used to place cases in order for trial and discuss any issues before the day of trial. This is not a formal pre-trial conference.

Please note that Jury Trials require a formal pre-trial conference. Pre-trial conferences are pre-assigned for each jury trial. When dates are provided for the jury trial, the corresponding pre-trial conference dates are included. The Court's required Scheduling Order must be completed, signed and e-filed once the jury trial has been set with the Court Administrator. If the scheduling order is e-filed before the case has been set for trial with the Court Administrator, the scheduling order will be rejected. The scheduling order specifies the tasks that must be completed at or before the pre-trial conference,

including expert challenges, proposed jury charges, pre-marked exhibits, witness lists, etc.

Settings

Typically, settings are available at 9:00 a.m. and 1:30 p.m. Monday-Thursday, and 9:30 a.m. and 1:30 p.m. Fridays. Additionally, the Court sets 8:30 a.m. Entry Docket hearings approximately twice a month. **All hearings/trials are held IN PERSON. No one may appear remotely** without prior leave of Court and good cause shown. Judge Haertling may specially set matters at 7:30 a.m. in order to accommodate schedules. This information does not mean that all settings are available. Only the 442nd Court Administrator may provide the Court's current availability.

Time Limits

The 442nd District Court offers the following dockets: jury trial dockets, one day or more, one day or less, half day or less, one hour or less. Please note you are required to specify a total amount of time needed for the hearing/trial but it will fall on one of those dockets. When emailing the Court Administrator for dates, please be sure to advise how much total court time is being requested.

What to Bring

Exhibits and Exhibit Lists

The completed Exhibit List located on the Court's website must be submitted for each and every hearing. Copies for the opposing counsel or self-represented litigant, the Court Reporter and the Judge must be provided. All pre-marked for identification exhibits must be submitted to the Court Reporter on a USB drive (and served upon all other parties in accordance with the Denton County Local Rules) AND hard copies must be provided for the Judge and the witness stand. Please note that the copies for the Court should not be provided until the time the hearing is called unless noted otherwise in the scheduling order.

Witness List

The completed Witness List located on the Court's website must be submitted for each and every hearing. Copies for the opposing counsel or self-represented litigant, the Court Reporter and the Judge must be provided. A courtesy copy for the Bailiff is also appreciated. Please note that the copies for the Court should not be provided until the time the hearing is called unless noted otherwise in the scheduling order.

Summary of Requested Relief

The Court requires a Summary of Requested Relief be provided and additional copies given to opposing counsel or self-represented litigant and the Court Reporter at the time of the hearing or final trial.

Property Division

The Court requires Inventories and Appraisements be exchanged between the parties prior to final hearings in original divorce proceedings. In addition, she requires copies be provided to her at the time of the final hearing. If you are asking the Court to divide property, please provide a proposed property division in editable format, such as an Excel spreadsheet, by email to the Court Administrator being sure to carbon copy/cc opposing counsel or the self-represented litigant.

Photos of Children

In hearings relating to children, it can often be helpful to introduce exhibits containing photos of the children.

13. Mediation

Mediation is mandatory prior to the final hearing. Mediation is required to take place at least 30 days prior to the final trial date. That does not mean Mediation is mandatory prior to *setting* final trial. You may set Final Trial and then work backward to set your other deadlines. Please be advised that failing to mediate and appearing at final trial does not automatically continue a final trial. Additionally, if one side is forced to file and set a Motion for Mediation, attorney's fees may be assessed against the other side. If you will be mediating at Denton County Alternative Dispute Resolution Program (DCAP), the 442nd District Court requires that the completed Exhibit As for each party be attached to the proposed order. If they are not, the proposed order will be rejected. The Exhibit As are required to place each side in the appropriate level for mediation and make sure that DCAP is receiving the appropriate fee for providing their low cost mediation service. Additionally, if a party or attorney certifies that the party is indigent but has not been judicially pronounced indigent, an indigency hearing is required. Once mediation has been completed, please file a letter notifying the Court of the outcome (settled, partially settled, impasse). The Court Administrator will place the case on the Court's Entry Docket.

14. Motions for Summary Judgment

Please follow the instructions to set a hearing. The Court Administrator will respond with confirmation of the setting and the Court's instructions which are required to be attached to the notice of hearing. If the specific instructions are not attached to the notice, the notice will be rejected.

Please note that Motions for Summary Judgment must be filed AND heard 30 days prior to final trial.

15. Prove-Ups

Prove Ups of Agreed Divorces are being conducted by prove up affidavit. Please be sure to e-file all documents as their own separate lead documents. The affidavit will go into the case file and the decree will come to the Court's e-file queue for review.

If you are a self-represented litigant, please review the section titled Self-Represented Litigants located on the Court's website. If you are unable to complete a prove up affidavit, you may appear in person in the courtroom on Tuesdays at 8:30 a.m. with your completed Agreed Decree of Divorce in order to prove it up or finalize it in front of Judge Haertling.

Note to attorneys, please check with the Court Administrator regarding setting a time to prove up a default divorce.

16. Self-Represented Litigants

Please review the section on the Court's website entitled Self-Represented litigants. This includes general instructions as well as instructions for finalizing divorces as well as Adult and Child Name Changes.

17. Tax Suits

Uncontested Tax Suits: Accepted by submission only. Please submit proposed order and statement of evidence.

Contested Tax Suits: Set on Monthly Tax Docket; follow instructions for setting trial

Tax Suits with Attorney Ad Litem: Set on Monthly Tax Docket; follow instructions for setting trial

Tax Suits Set from DWOP Docket: Set on Monthly Tax Docket; follow instructions in DWOP Notice

Please note that these Practice Tips are subject to change without notice. Last updated January 2024