

Survey answers from selected county and district court judges:

Judge A—Judge Robert Ramirez-CCAL, civil only, not concurrent with district

Judge B—Judge David Hall, rural CCAL (multi county)

Judge C—Judge Jennifer Rymell, CCAL civil only

Judge D—Judge Laura Betancourt CCAL general jurisdiction.

Judge E—Judge Pamela Sirmon CCAL judge for 20 years and now a district judge

Judge F—Judge Matt Martindale-CCAL general

Judge G—Judge Piper McCraw—district court

1. Do parties use Rule 169 in your court? Have you had any problems with Rule 169? If so, please describe those.

- A. Yes. No problems that are worth mentioning other than issues relating to mediation, discussed later.
- B. Not used
- C. Seldom used. Plaintiffs use it to challenge late discovery or to get a special setting. Defendants then ask to get out of the rule. (See other comments in answer to question 7)
- D. No.
- E. Only once
- F. No
- G. Courts are unable to try the case within the time required in the rule.

2. With respect to the cases with higher dollar limits, would you support limiting discovery? If so, in what way? Deposition time? Number of interrogatories? Number of Admissions? Number of Request for Productions? Would you make it less than the current Rule 190.3 Level 2 discovery limits?

- A. In cases with less than \$250,000 in controversy I would support Rule 190.2's limitations (Level 1) with leave to be given by the trial court if requested for additional discovery.
- B. I support Level 2 for my cases
- C. Level 2 is good.
- D. Yes to limits-less than level 2
- E. Would not limit
- F. Yes to limits
- G. Would not limit

3. With respect to the cases with higher dollar limits, would you support limiting experts? If so, in what way?

- A. No, I have never had an issue with the excessive use of experts in this court.
- B. Yes, but it would be hard to do since the type of cases are so different.
- C. No.
- D. No.
- E. No
- F. No
- G. No

4. With respect to the cases with higher dollar limits, would you support limiting trial time? If so, in what way?

- A. Yes, I believe that case within the jurisdictional limits of a county court at law can be effectively handled in the amount of time proscribed by the current expedited rule. However, I would be in favor of allowing the attorneys to request additional time for their case prior to the beginning of trial.
- B. No. Courts can do this on their own.
- C. No. The time limits for those who are in Rule 169 are never followed. The parties do not ask for it and acting as a timekeeper for a judge is distracting. The trial judge can do this already, so no additional rules are needed.
- D. Yes
- E.
- F. No. Leave this up to the judge.
- G. No. Leave this up to the judge.

5. Would you support a requirement that all cases have mandatory disclosure requirements, rather than using the request for disclosure method of Rule 194?

- A. Yes, I think that would be more efficient.
- B. Yes.
- C. Yes. Within 50 days of filing suit.
- D. Yes.
- E.
- F. Yes
- G. No. I have concerns how this will impact the self-represented.

6. Would you change other dispositive motions such as summary judgments?

- A. No.

- B. No.
- C. No.
- D. No.
- E.
- F. No.
- G. No.

7. If you could, what other rule might you change? (We cannot change any rules required by law—such as Rule 91a) Or new rule that you would want to see implemented?

A. With regard to Rule 169, I would allow the trial court more latitude when it comes to mediation.

- I think that a ½ day of mediation is less likely to be successful. Lawyers and parties are sometimes late, it takes them a beat to get settled in and for the mediator to get to know them.
- This would be especially true when the court refers the parties to a nonprofit mediation service such as we have in Denton County. The vast number of cases would be mediated by an attorney volunteer for only \$150.00 per side for the entire day.
- I would also remove any reference to the parties agreeing not to mediate, ADR is a useful tool and should not be limited, other than prevent the court from ordering multiple mediations in the same case.

B. Nothing at this time.

C. Eliminate Rule 169(d)(2). We can rarely reach a case on its first setting. The deadline is unrealistic due to the volume of cases. Other colleagues in Tarrant County agree—it is virtually ignored because it is not possible to achieve. Also Rule 169(d)(5) should allow challenges to experts before trial. Expert challenges during trial is a waste of juror time. And a pretrial strike of an expert may resolve the case without a trial.

D. mandatory mediation for all cases.

E.

F. Nothing at this time

G. I would like to see jurisdictional minimums so that cases with very low dollar amounts are not in district court or even county court when they would be more appropriate in a justice of the peace court.