



Jerry W. Simoneaux, Jr.

Judge, Harris County Probate Court No. 1
Civil Courthouse, 201 Caroline, Ste. 600
Houston, Texas 77002
832-927-1401

Rocket Docket Checklist and Procedure – Beginning July 2, 2019

Updated June 10, 2019

The *Rocket Docket* is for attorneys with limited time or whose clients who may have some unease about testifying in court. Unlike the traditional docket, very little oral testimony will be taken.

The Rocket Docket is every Tuesday at 1:30 pm and every other Tuesday at 8:30 am. Please check our website for the most current times for all dockets.

Before setting your hearing, please follow the checklist below. Feel free to call the Court if you have any questions.

- Original Will and Codicils with self-proving affidavit. (no copies of wills, holographic wills, no need to prove up signatures or bring witnesses for any other reasons).
 - Independent Administration with no bond set forth in the Will. (no need for bond testimony). Independent Executor named and willing to serve or declinations filed and named successors willing to serve; **or**
 - Probate as a Muniment of Title within 4 years of Decedent's death.
- Citation and posting completed (you may call before the return date, but you must confirm that the hearing date is after the return date).
- Original Will has been filed with the County Clerk *before you call* to request a hearing.
- Applicant is represented by a licensed attorney. *See e.g. Steele v. McDonald*, 202 S.W.3d 926 (Tex.App.—Waco 2006).
- E-file all documents to be signed in Court, such as the *Proposed Order*, the *Proof of Death and Other Facts*, and the *Oath* (select "Proposed Order" for the filing type and file each document as a Lead Document).

If you can check all of the boxes on the previous page, your case is eligible for the "Rocket Docket". Please call 832-927-1401 to confirm that you have completed the preliminary checklist and request a Rocket Docket hearing date.

The Staff Attorney will review your documents prior to your hearing. If further information or clarification is required, she will notify you. If it appears that your case is not eligible for the Rocket Docket, the Staff Attorney will assist in resetting your case to another docket.

On the day of the hearing, the Judge will swear in the proponent of the will (either the Applicant or the attorney who has personal knowledge of the facts). Because the proposed written testimony will have been previously e-filed and reviewed by the judge, the oral testimony can be short. Below is a sample script.

Sample Script for the hearing:

1. Identity of the witness. (“State your name...”)
2. Identify the testamentary document(s) (“Do you recognize this as the Last Will and Testament of...”)
3. Confirmation that testimony has been committed to writing (“You have committed your testimony to writing in the Proof of Death and Other Facts, and it is true and correct ...”)
4. Ask the Court for what you want. (“We ask that you appoint _____ as Independent Executor to serve w/o bond and waive appraisers.”)

After giving oral testimony, the witness will step to the Clerk’s desk to sign the Proof of Death and Other Facts and sign the Oath (if he or she has been appointed as a personal representative). The Clerk will have the documents on a screen viewable by the witness and the witness will sign using a digital signature pad.