



Jerry W. Simoneaux, Jr.

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

Probate Court 1 Submission Docket Policy Updated March 4, 2019

Per the *Rules of the Probate Courts of Harris County, Texas* 10.3 (2007) and the Texas Estates Code § 1055.051, attorneys may set any pleading on the Submission Docket except for the probate of wills, appointment of an administrator, and the appointment of a guardian.

- **Motions for Summary Judgment** – the general rule is that an MSJ shall be initially set on the submission docket. However, either party may request an oral hearing. A *Request for Oral Hearing* must be in writing and state good cause for an oral hearing. The *Request for Oral Hearing* may be filed contemporaneously with or separately from the MSJ or the Response, no later than the date the Response is due. If an oral hearing is granted, the Court Coordinator will contact the parties to set an oral hearing date.

For all other motions listed below, the preference is to be set on the submission docket, but the movant may request an oral hearing when setting the hearing. If the motion is set on the submission docket, the respondent may file a written *Request for Oral Hearing* stating a reason beyond a bare desire for an oral hearing. Unless otherwise stated by a specific rule, parties must give at least 10 days' notice of submission to all other parties. Responses must be received no later than 3 days prior to the hearing.

- **Uncontested motions or agreed motions** when the parties want a date certain that the order may be signed. Agreed motions may be submitted and reviewed more rapidly off-docket.
- **Discovery Motions** – Motions to Compel, Motions to Undeem Admissions, Motion for Leave to ..., etc.
- **Pleadings Motions** – Special Exceptions, Motion to Transfer Venue, Motion to Dismiss (for 91a – 14 days' notice required [91a.6]), Motion to Abate.
- **Motions to Withdraw that are not agreed to by the client.** Notice of Submission must be delivered to a party either in person or mailed “by both certified and regular first class mail” per TRCP 10. Proof of notice must be on file for consideration on submission.
- Motions for Independent Medical Exam