Texas Business Court, Eighth Division

Judge-Specific Procedures for Judge Bullard
Revised April 2, 2026

These procedures are adopted pursuant to a court's inherent power and authority to manage its docket and to control and guide the trial and disposition of cases. The following procedures are intended to supplement the Texas Rules of Civil Procedure (TRCP) and the Texas Business Court Local Rules (BCLR).

I. Case Management Procedures

A. Initial Case Status Report/Scheduling Order

Using the forms provided on the Eighth Division's website, the parties must confer on and jointly file a proposed scheduling order and an initial case status report no later than 30 days from: (i) the first appearance of any defendant or (ii) the filing of the notice of removal or the order of transfer if the action was removed or transferred to the Court. The parties should endeavor to agree to the scheduling order. On receipt of the proposed scheduling order and initial status report, the judge will issue a scheduling order setting case-specific deadlines and establishing a discovery control plan.

If the parties cannot agree to a scheduling order, they must request a setting for the judge to enter a scheduling order. In such cases, the parties must file their competing versions of a scheduling order

and identify their respective disagreements to be resolved by the judge at least 5 days in advance of the setting.

Parties must contact the court manager for available trial dates to include in the scheduling order. The parties may agree on a trial date and submit the proposed date in their scheduling order, but the trial date must be within 13 months of the date the case was filed or removed to the Court and provide for a pretrial hearing at least 10 days before the trial date.

B. **Protective Orders**

If necessary, protective order templates are posted on the Eighth Division's website. Unless materially modified, proposed protective orders based on these templates are presumed to be valid and acceptable to the judge.

If the parties cannot agree to a protective order, they may request a setting for the judge to enter a protective order. In such cases, the parties must file their competing versions of a protective order, identify their respective disagreements to be resolved by the judge, and specify whether a hearing is requested on the unresolved matters.

C. **Status Conferences**

The judge may schedule periodic conference calls to discuss the parties' progress and address any issues that could potentially delay the trial date.

D. **Settlement Discussions**

The judge favors mediation, especially at the early stages of the case. The judge orders mediation in the scheduling order for every case, and normally in the early stages of the case. The judge may also order more than one mediation. Parties are given time to agree on a mediator. If the parties cannot agree by the deadline,

the Court will appoint a mediator. Should a case settle at a time other than during a scheduled mediation, counsel for the parties must notify the Court as soon as possible.

The judge encourages counsel to engage in good faith settlement discussions throughout the case. The initial status report must include a discussion of the present status of settlement negotiations, the prospects for settlement, and must contain more than a recitation that settlement discussions have been unsuccessful.

E. **Early Identification of Legal Issues**

To assist in resolving the case, the court or the parties may identify legal matters for the court to decide. TRCP 166(g), (p). These are intended to be pure legal issues the court can decide as a matter of law and that may substantially affect the case's scope. Parties are encouraged to identify such issues at the earliest possible opportunity, and the court prefers joint submissions but does not require them.

Resolving issues pursuant to TRCP 166(g), (p) does not affect a party's rights to move for summary judgment on any issue they believe appropriate. Absent a court order, a pending 166(g), (p) motion does not relieve a party from complying with discovery that the motion's result may affect.

F. **Courtesy Copies of Documents Filed**

The judge appreciates the parties providing courtesy copies of all motions, responses, replies, and appendices thereto, and any filing totaling more than 25 pages in length. Unless otherwise specified herein, these copies must be delivered to the Court at least 3 business days before the hearing or submission date. Copies should be double-sided and properly bound either by sufficiently affixed staple, ACCO fastener, spiral binding, or, for a voluminous document, a 3-ring binder. Appendices and other documents

fastened by paper clips, binder clips, rubber bands, or any other means are unacceptable.

II. Motion Practice

A. Formatting

Parties must follow the requirements of BCLR 5. In addition, any motion, response, or reply must be in at least a 12-point font, double-spaced text, single-spaced and bolded headings, one-inch margins on all sides, justified, centered page numbers, and single-spaced footnotes. Citations should be in the text (not footnotes). Written submissions longer than ten pages must include a table of contents and a table of authorities.

B. Proposed Orders

All motions require a proposed order in Microsoft Word format (not .pdf) and must be emailed to BCDivision8A@txcourts.gov, with the case number and the title of the motion in the subject line.

C. Responses and Replies

Unless otherwise provided by law, court order, or the Texas Rules of Civil Procedure, any response to an opposed motion is due no later than 10 days after the motion is filed and any reply in support of motions is due no later than 7 days after the response is filed.

Sur-replies are permitted only with leave of court. A party filing a sur-reply should notify the court manager via email to ensure the sur-reply is brought to the judge's attention before the setting.

D. Length

Parties must adhere to the word limits in BCLR 5. Absent leave of court, all parties jointly represented by the same counsel must join in a single filing that does not exceed the word limit.

E. **Requests to Exceed Word Limits**

A party may request leave of court to exceed the word limits imposed by BCLR 5 but must do so at least 2 days before the filing deadline. Word limits will be expanded only upon a showing of good cause.

F. **Court Reporter**

The court will schedule a court reporter for all trials and hearings on dispositive motions. For all other hearings and conferences, the parties should notify the court whether they request a court reporter.

G. **Specific Motions**

1. **Dispositive Motions (e.g., Motions for Summary Judgment, Motions to Dismiss, etc.)**
Courtesy copies of all dispositive motions, responses, replies, and appendices thereto must be delivered to the Court within 3 business days of the filing date.

2. **Continuance**

Any request that a trial date be modified must be made in writing to the judge. The motion for continuance must be signed by the moving party and the moving party's counsel. Continuances will not be granted absent good cause.

3. **Extensions of Time**

Any party seeking an extension related to a motion, responsive briefing, or other time period must demonstrate good cause. All such requests must provide the Court with a reason for the requested extension of time. Agreed or unopposed requests for extensions of time will not automatically be granted. If the judge denies a request for an extension of time, then the filing is due (or the act must

be completed) no later than 5:00 p.m. (CST) on the first business day after the judge issues the order denying the motion.

4. **Other**

Parties should refer to either the scheduling order in the case or the local rules for determining deadlines for filing other motions.

H. **Submission**

1. **Request for Hearing**

Parties may file a written request for hearing on any motion. If a motion is contested and a hearing is not waived, the moving party must initiate the scheduling of a hearing. Parties must confer about dates before setting any matter for hearing. Scheduling disputes should be brought to the judge's attention via telephone or email to the court manager. Email is the preferred method of communication for hearing scheduling.

2. **Notice of Hearing**

The moving party is required to file and serve on all parties a notice of hearing that describes the date, time, and location of the hearing, and a statement of whether the hearing is evidentiary. Unless otherwise permitted by the judge, all hearings will be held in-person.

3. **Submission without Oral Argument**

Motions may be set for submission without oral argument upon agreement of the parties unless the judge, in his discretion, requests an oral hearing. The moving party is required to file and serve on all parties a notice that sets forth the date of submission. Unless a different period is prescribed by law or by agreement of

the parties, submission dates shall be no earlier than 10 days from the date a motion is filed.

4. **Settings Not Required**

Orders on the following motions may be entered without need of a setting, provided that a proposed order in Microsoft Word format is emailed to the Court as required by these procedures:

(a) motions for substitute/alternative service;
(b) motions for default judgment;
(c) motions for admission pro hac vice; and
(d) agreed or unopposed motions.

III. Discovery

A. Discovery Control Plan

Discovery in all cases shall be deemed Level 3 and be conducted according to a discovery control plan tailored to the circumstances of each case. TRCP 190.4.

B. Texas Rule of Civil Procedure 194.2 (Initial Disclosures)

The judge requires compliance with the initial disclosure requirements of TRCP 194.2, but parties should refer to the scheduling order in their case for modification of compliance deadlines. As a general rule, the parties may agree, without court order, to extend any time period for responses to written discovery. A court order is required, however, if a party seeks to modify any discovery-related deadline that has been establish by court order.

C. Electronically Stored Information (ESI)

In appropriate cases, the parties should prepare an ESI protocol—an agreement between the parties for the identification, preservation, collection, and production of ESI. The discovery protocol should not be filed with the Court unless otherwise ordered.

The ESI protocol will vary on a case-by-case basis, but the discussion about ESI should include at least the following subjects:

(1) the specific sources, location, and estimated volume of ESI;

(2) whether ESI should be searched on a custodian-by-custodian basis and, if so, (i) the identity and number of the custodians whose ESI will be searched, and (ii) search parameters;

(3) a method for designating documents as confidential;

(4) plans and schedules for any rolling production;

(5) deduplication of data;

(6) whether any devices need to be forensically examined and, if so, a protocol for the examination(s);

(7) the production format of documents;

(8) the fields of metadata to be produced; and

(9) how data produced will be transmitted to other parties (e.g., in read-only media; segregated by source; encrypted or password protected).

If the parties wish to have an ESI protocol but cannot agree on its terms, they should request a setting for entry of an ESI protocol. In such cases, the parties must file their competing versions of an ESI protocol at least 5 days in advance of the setting. The judge may request emailed Word versions of the same for modification.

D. Discovery Disputes

Motions related to discovery disputes are governed by the Texas Rules of Civil Procedure and BCLR 4. In addition, if relief is sought concerning a discovery dispute, a party may file copies of only those portions of the materials related to the dispute. Before filing a discovery-related motion, the parties are required to confer on each disputed request or objection. In the motion, the moving party must identify the element(s) of any claim(s) or defense(s) that will be aided by discovery of the requested information.

E. Discovery Sanctions

Parties and counsel shall not seek, make, or resist discovery in a manner that is unreasonably frivolous, oppressive, harassing, or made for purposes of delay. Unreasonable and abusive discovery tactics will not be tolerated.

Written discovery must be specific and targeted. Similarly, objections to discovery must be tailored to the request; general or boilerplate objections are inappropriate. Attorney's fees may be awarded against any party engaging in discovery abuses, even upon the first instance of such conduct.

IV. Trial Procedures

A. Pretrial Conference

The judge conducts pretrial conferences. At least 7 days before the scheduled date of the pretrial conference, the parties must submit a proposed pretrial order. A pretrial order template is posted on

the Eighth Division's website. The parties must engage in a good faith attempt to submit an agreed proposed pretrial order. The judge will address any unresolved issues at the pretrial conference. The pretrial conference will be in person unless good cause exists to hold it via Zoom.

B. **Trial Time**

All trials will be subject to time limitations. At the pretrial conference, parties should be prepared to address the time needed for their case calculated in hours.

C. **Final Judgments After Verdict or Bench Trial**

Within 30 days of a jury verdict or notification of the judge's rulings, the parties must submit either a single judgment agreed as to form or competing versions of the judgment for the judge's consideration. The parties may request an oral hearing on the form of the judgment any time before judgment is entered.

D. **Proposed Jury Instruction/Findings of Fact and Conclusions of Law**

Proposed jury instructions or findings of facts and conclusions of law must cite all supporting authorities. In addition to electronically filing their proposed jury instructions or findings of facts and conclusions of law as required by the scheduling order, parties must email a copy of said documents in Microsoft Word format to BCDivision8A@txcourts.gov. Parties must also provide the Court with a hard (paper) copy of any proposed jury instructions or findings of facts and conclusions of law within 2 days of filing said documents.

V. **Courtroom Decorum**

These requirements are not all-inclusive but are intended to emphasize and supplement the ethical obligations of counsel under the Texas Disciplinary Rules of Professional Conduct, the Texas Lawyer's Creed, and the time-honored customs of experienced trial counsel. When appearing in court, all counsel (including, where applicable, all persons at the counsel table) must abide by the following, unless excused by the judge:

A. Stand as Court is opened, recessed, and adjourned, and when addressing, or being addressed by, the Court.

B. Stand at the lectern while making opening statements or closing argument and while examining any witness, except that counsel may approach the witness for purposes of handling or tendering exhibits.

C. Address all remarks to the Court, not to opposing counsel.

D. The judge expects counsel to treat others with respect. Avoid disparaging personal remarks or acrimony toward opposing counsel, the litigants, and witnesses.

E. Only one attorney for each party may examine or cross examine each witness. The attorney stating objections, if any, during direct examination will be the attorney recognized for cross examination.

F. Any counsel who calls a witness shall have no further discussions with that witness concerning any aspect of the case or his testimony after the witness has been tendered for cross-examination until such time as the witness has been tendered back for re-direct examination.

G. Any paper or exhibit not previously marked for identification must be marked before it is tendered to a witness for examination, and

any exhibit offered in evidence must be handed to opposing counsel when offered.

H. In making objections, counsel must state only the legal grounds for the objection and must withhold further comment or argument unless elaboration is requested by the Court.

I. Offers of, or requests for, a stipulation must be made privately, not within the hearing of the jury.

J. Counsel should admonish all persons at counsel table that gestures, facial expressions, audible comments, or the like, as manifestations of approval or disapproval during the testimony of witnesses, or at any other time, are absolutely prohibited.

K. No one, including attorneys, parties, and witnesses, may bring food or drink (except bottled water) into the courtroom.

L. The judge encourages the participation of less experienced attorneys in all proceedings.

VI. Miscellaneous Matters and Procedures

A. Resolution of Disputes Before Court Intervention

The judge respects zealous advocacy but expects parties and counsel to conduct themselves in a manner that complies with the standards set forth in the Texas Disciplinary Rules of Professional Conduct and the Texas Lawyer's Creed. Valuable judicial, legal, and client resources are wasted when counsel or their respective clients do not follow these standards. As such, with respect to any motion, proposed order, or other filing with the Court, the parties shall use all reasonable means to reach agreements, resolve pretrial disputes, or narrow disputed issues before requesting court intervention.

B. **Bankruptcy**

If a party files for protection under the United States bankruptcy laws, that party's counsel shall have the responsibility to: (i) promptly notify the Court by immediately contacting the court manager, and (ii) within 3 days of the bankruptcy filing, provide written notice to the Court and all counsel that a bankruptcy filing has occurred, giving the name and location of the bankruptcy court, the bankruptcy cause number and style, the date of filing, and the name and address of the party's bankruptcy counsel. Failure to comply with this rule could result in sanctions once the bankruptcy is concluded.

Once a bankruptcy proceeding has concluded, whether by discharge, denial of discharge, dismissal or otherwise, counsel shall promptly notify the court manager so that the case may be restored to the active docket or be dismissed as appropriate.

C. **Communications with Chambers**

Attorneys and unrepresented parties may communicate with the court manager for scheduling and coordination purposes. Otherwise, unless otherwise provided herein, the judge does not allow attorneys to talk or communicate with his staff attorney, court manager, or courtroom deputy regarding case-specific matters. Do not call or email the judge's staff to inquire about substantive aspects of a specific case or the status of a pending motion.

Should the need arise, attorneys may request to speak with the judge, but only when at least one attorney from each side is either present or on the phone. The judge will then determine whether a discussion is warranted.

D. **Attorney Contact Information**

Upon making an appearance in a case, the judge requires every attorney (not just lead attorneys) to provide their cell phone numbers where they can be reached at any time. This information is to be filed "Under Seal" entitled "Attorney Contact Information" with the Court within 24 hours of making an appearance.

E. **Written Opinions**

When the issuance of a written opinion is discretionary, a party must request an opinion no later than the first day of the hearing, the submission date, or trial during which the matter is to be decided. Failure to timely request an opinion may result in denial of the request.

F. **Use of Electronic Technology**

The judge encourages electronic presentations, but only if the presentation meaningfully aids the judge's understanding of key issues. Counsel should limit the use of paper handouts at court proceedings. Any paper handout that a party provides to the judge must also be provided to all parties, the court reporter, and the staff attorney.

Parties may bring their own electronic technology, including hardware, for presentation to the courtroom or may use the systems available in the courtroom. Parties are responsible for consulting in advance with courthouse personnel about security, power, and other logistics associated with the use of any external hardware. Counsel who plan to use the available courtroom technology must be familiar with that technology and must follow any rules established by the Court associated with that technology's use.