

**IN THE SUPREME COURT OF TEXAS**

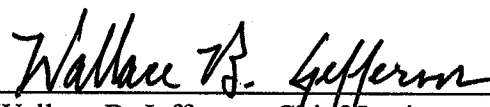
Misc. Docket No. 05- **9208**


**APPROVAL OF AMENDED LOCAL RULES FOR THE  
DISTRICT COURTS OF GALVESTON COUNTY**

**ORDERED** that:

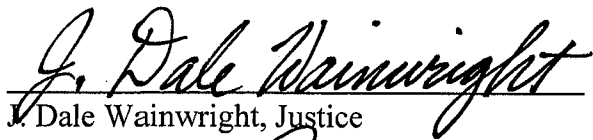
Pursuant to Texas Rule of Civil Procedure 3a, the following Amended Local Rules for the District Courts of Galveston County are approved.

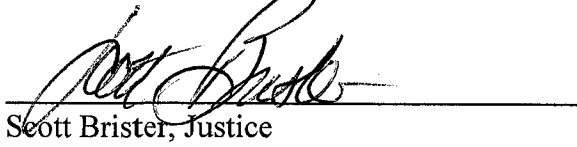
In Chambers, this 7<sup>th</sup> day of December, 2005.

  
Wallace B. Jefferson, Chief Justice


  
Nathan L. Hecht, Justice

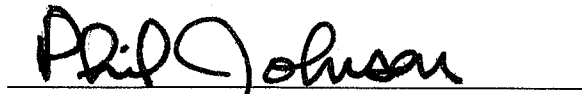
  
Harriet O'Neill, Justice

  
J. Dale Wainwright, Justice

  
Scott Bristel, Justice

David M. Medina, Justice

  
Paul W. Green, Justice

  
Phil Johnson, Justice

Don R. Willett, Justice

FILED  
05 APR 26 AM 9:05  
L. James M. [Signature]  
DISTRICT CLERK  
GALVESTON COUNTY, TX

**AMENDED LOCAL RULES OF THE DISTRICT COURTS FOR GALVESTON COUNTY, TEXAS**

**Purpose**

*Mary Ann Daigle*  
The Local Rules of Galveston County have as their primary purpose the management of the court dockets sensibly, efficiently and most important fairly. Their object is to be an understandable aid to the just disposition of cases without unnecessary delay or expense.

**Rule 1  
General**

**Rule 1.10 Time Standards for Case Disposition:**

Pursuant to Article 5, Section 31 of the Texas Constitution, Sections 22.004, 72.002 (2) and 74.024 of the Texas Government Code, Title 3 of the Texas Family Code, Rule 6 of the Rules of Judicial Administration, and Rules [1, 3, 4 and 5] of the Regional Rules of Judicial Administration, time standards have been established to which reference is made for all purposes, as they now exist, or as they may be hereafter amended.

**Rule 1.11 Court Sessions; Annual Calendars; Jury Weeks; Non Jury Weeks; Criminal; Civil; Weeks not in Session; Holidays:**

The Courts shall publish a calendar for each year setting out the civil and criminal jury weeks and the non-jury weeks within which they will be making their settings. The calendar will be published by September 1 of the preceding year and will be followed except when the court in its discretion deems it inappropriate.

**Rule 2  
Local Administrative Judge**

**Rule 2.10 Powers and Duties of Local Administrative Judge:**

- A. Election of the Administrative Judge.
  1. Pursuant to Section 74.091 of the Texas Government Code a majority of the District Judges will elect a Local Administrative District Judge for a two-year term at the January meeting in 1993 and at the January meeting of each second year thereafter.
  2. The Local Administrative District Judge will have all duties and the responsibility for attending to emergency and special matters of the District Courts pursuant to Rule 9 and 10 (d) Rules of Judicial Administration.
- B. Meetings of the Judges of the County.
  1. The local Administrative District Judge or a majority of the Judges will call meetings of the Judges at least once each month and as needed.
  2. The Local Administrative District Judge shall preside over such meetings and in his absence a temporary Chairman may be elected by a majority of the quorum.

**Rule 3  
Civil Cases**

**Rule 3.10 Filing and Assignment of Cases:**

Civil suits, except for Family Law Cases, are docketed in the 10<sup>th</sup>, 56<sup>th</sup>, 122<sup>nd</sup>, 212<sup>th</sup> and 405<sup>th</sup> District Courts. Workers compensation cases and **Waiver of Parental Notification before Abortion cases**, however, are also docketed in County Court Number One, County Court Number Two, County Court Number Three and the Probate Court in rotation with the District Courts (including the 306<sup>th</sup> District Court). With the exception of civil bond forfeiture cases, all civil cases filed in the 10<sup>th</sup>, 56<sup>th</sup>, 122<sup>nd</sup>, 212<sup>th</sup> and 405<sup>th</sup> District Courts shall be assigned randomly to the dockets of those Courts. Once assigned to a Court, a case will remain on the docket of that Court for all purposes unless transferred as hereinafter provided. Civil bond forfeitures shall be filed in the court where the underlying criminal case is filed. In the event that a new General Jurisdiction District Court is created by law, then that court shall have civil cases randomly filed in the manner prescribed above.

### **Rule 3.11 Transfer of Cases; Docket Exchange; Bench Exchange:**

- A. After assignment to a particular Court a case may be transferred to another Court by order of the Judge of the Court in which the case is pending with the consent of the Judge of the Court to which it is transferred; or by order of the Local Administrative District Judge.
- B. The Courts may at any time exchange cases and Benches to accommodate their dockets or to specialize the Court's trials.
- C. Prior Judgment. Any claim for relief based upon judgment shall be assigned to the Court of original judgment.
- D. Non Suit. If a case is filed in which there is a substantial identity of parties and causes of action as in a non-suited case, the later case shall be assigned to the Court where the prior case was pending.
- E. Consolidation. A motion to consolidate cases shall be heard in the Court where the lowest numbered case is pending. If the motion is granted, the consolidation case will be given the number of the lowest number case and assigned to that Court.
- F. Severance. If a severance is granted, the new case will be assigned to the Court where the original case pends, bearing the same file date and the same number as the original case with a letter designation; provided, however, when a severed case has previously been consolidated from another Court, the case shall upon severance be assigned to the Court from which it was consolidated.
- G. Presiding for another. In all cases where a judge presides for another Court, the case shall remain pending in the original Court. In any hearing on a motion for contempt, however, the Judge who issued the order which is claimed to have been disobeyed must preside over the motion for contempt, except as otherwise provided in Sec. 21.002, Tex. Gov. Code.
- H. Fair Distribution. The Local Administrative District Judge may transfer cases between District Courts in the manner provided above or may transfer or assign cases from one Court to another Court for hearing if the Local Administrative District Judge finds that a Court has an inequitable burden due to illness, trial schedule, unequal caseload, to equalize caseloads in the event a new District Court is created by law, or for other sufficient reasons.
- I. Improper Court. If a case is on the docket of a Court by any manner other than as prescribed by these rules, the Administrative District Judge shall transfer the case to the proper Court.

### **Rule 3.12 Request for Settings Non-Jury:**

- A. All requests for the scheduling of appearances for the Court for any purpose will be made by contacting the Court Coordinator who will arrange an appropriate time to appear before the Court.
- B. Requests for hearing shall be made to the Court in which the matter is pending, in accordance with these rules, and the attorneys making such request shall serve all other parties with notice of the date and hour set for hearing and of the particular matter which will be considered at such time.

### **Rule 3.13 Request for Settings-Jury:**

- A. Demand for a trial by Jury shall not be occasion for advancement or substantial delay of the trial or of any other proceeding in the case, nor for transfer of the case to another Court.
- B. If the case is already set for non-jury trial when such demand is made, the Court may try the case with a jury on the same setting, add the case to the list of jury cases for the following week, or set it at some other convenient time.
- C. All requests for the scheduling of appearances for the Court for any purpose will be made by contacting the Court Coordinator who will arrange an appropriate time to appear before the Court, and the attorneys making such request shall serve notice to all counsel for the date and hour set for hearing and of the particular matter which will be considered at such time.

### **Rule 3.14 Setting and Assignment of Cases for Trial:**

Cases shall be set for trial by order of the Court, upon request of a party, on the Court's own motion or by docket control order. Cases shall be set for trial for a date certain. If a case is not assigned to trial, whether because of a continuance or because it is not reached by the second Friday after the date it is set, the Court shall reset the case to a date certain. Unless all parties agree otherwise, all settings must comply with all requisites of T.R.C.P. 245. A case is assigned to trial when counsel are called to the Court to commence the jury or non-jury trial on the merits. For purposes of engaged counsel, no Court may have more than one case assigned to trial at any one time.

**Rule 3.15 Conflicting Settings and Assignments of Counsel:**

- A. The Rules of Administration of the Administrative Region apply and control.
- B. Attorney already in trial in another Court. It is the duty of the attorney to notify the Court through its coordinator when the potential for this situation arises, when and where assigned when it does occur, and the attorney shall have a continuing duty to keep the Court informed when release is anticipated and when it occurs.
- C. Attorney assigned to two courts for the same date. (1) It is the duty of an attorney to call the affected Judges' attention to all dual settings as soon as they are known. (2) Insofar as practicable, Judges should attempt to agree on which case has priority, otherwise, the following priorities shall be observed by the Judges of the respective courts:
  - a. Cases given preference by statute.
  - b. Criminal actions against defendants detained in jail
  - c. Criminal and Juvenile cases.
  - d. Preferentially set cases.
  - e. Case with earliest filing date (oldest case).
  - f. Court in multi-judge counties should yield to courts in rural counties in all other instances of conflicting settings.
- D. If any lawyer's caseload becomes a disruption to the orderly flow of a Jury Docket, the Court may limit the number of set cases in which the lawyer can be the attorney in charge and require designation of another attorney in charge for other set cases.

**Rule 3.16 Dismissal Docket; Involuntary Dismissals:**

- A. All cases not set for trial or other hearing which have been on file for more than 24 months from the appearance date shall be placed on the Drop Docket by the District Clerk under the direction of the Court.
- B. All cases on file more than 12 months in which no answer has been filed shall be placed on the Drop Docket by the District Clerk under the direction of the Court.
- C. When a case has been placed on the Drop Docket as above provided, the District Clerk shall promptly send a notice of the Court's intention to dismiss for want of prosecution. Notice of the Court's intention to dismiss shall be sent by the Clerk to each attorney of record, and to each party not represented by an attorney and whose address is shown on the docket or in the papers on file, by posting same in the United States Postal Service. A copy of such notice shall be filed with the papers of the cause with notation thereon made by the District Clerk showing the name and address of all counsel of parties to whom notice was mailed and the date of mailing.
- D. Unless a written motion to retain has been filed prior to the expiration of thirty days after the mailing by the District Clerk of the notice of intention to dismiss such case shall be dismissed for want of prosecution. Notice of the signing of the Order of Dismissal shall be given as required by Rule 165a T.R.C.P.. Failure to mail notices as set out above shall not effect any of the periods mentioned in Rule 306a except as provided in that rule.
- E. A motion for reinstatement after dismissal shall follow the procedure and be governed by the provisions of Rule 165a Texas Rules of Civil Procedures relating to reinstatement.
- F. All other provisions for Dismissal of cases under Rule 165a of Texas Rules of Civil Procedure shall apply.

**Rule 3.17 Hearings on Pre-Trial, Motions, Exceptions and Pleas:**

- A. Form. Motions shall be in writing and shall be accompanied by a proposed order granting the relief sought. The proposed order shall be a separate instrument, unless the entire motion, order, signature lines and certificate of service are all on one page.
- B. Submission. Acceptance of motions by submission are at the discretion of each district court. Motions shall state a date of submission, which shall be at least 10 days from filing, except on leave of Court. The motion will be submitted to the Court for ruling on that date or later.
- C. Response. Responses shall be in writing, and shall be filed at least two working days before the date of submission except on leave of the Court. Failure to file a response may be considered a representation of no opposition.
- D. Oral argument. The motion or response shall include a request for oral argument if a party views it as necessary. The Court may grant that request or it may order oral argument on its own motion. A request for an oral argument is not a response under Rule 3.17 ( c ). Except where required by statute, the Court may in its discretion, disregard a request for oral hearing and rule upon the motion set by submission.

- E. Certificate of conference. Opposed motions and responses shall:
  - 1. Be in writing.
  - 2. Be accompanied by a separate form order granting or denying the relief; and
  - 3. Contain a certificate that Movant and Respondent have conferred with each other and in good faith attempted to resolve the matter.
- F. If no oral hearing has been requested or the Court finds no necessity for an oral hearing, the Court, in the absence of counsel, shall examine the pleadings, identify the basis of the disagreement between counsel; authorities cited, and other papers and make such rulings, as the Judge deems proper. Copies of all orders signed shall be forwarded to all counsel at the time they are entered by the clerk.
- G. A specific date or period of time may be assigned as a final date for the filing of motions, exceptions, and dilatory pleas and obtaining a hearing or submission date thereon in those cases deemed appropriate by the Judge.

**Rule 3.18 Continuances:**

- A. Trial settings, whether or not made at a Docket control conference, will take into consideration the schedule of all attorneys in charge.
- B. An attorney, who fails to notify the Court of a known conflict in scheduling at the time the case is set, shall be precluded from seeking a continuance at a later time on the grounds of such conflict, including vacation conflicts.
- C. Any known ground for continuance of the trial setting shall be presented to the Court at least 14 days prior to the trial setting or at the pre-trial conference, if any, whichever shall occur first, or shall be waived.
- D. Upon granting a motion for continuance, the order granting such motion for continuance shall contain an order resetting the case for trial.

**Rule 3.19 Alternate Dispute Resolution:**

In order to encourage the early settlement of disputes and to carry out the responsibilities of the Courts set out in Chapter 154 of the Civil Practice and Remedies Code, appropriate alternative dispute resolution procedures will be encouraged and utilized.

**Rule 3.20 Pre-Trial and Scheduling Conferences:**

- A. Pre Trial Procedures
  - 1. Rules 10 © of Rules of Judicial Administration and Rule 166 of the Texas Rules of Civil Procedure dealing with pre-trial procedures are incorporated herein by reference for all purposes and the following civil pre-trial rules and procedures apply to all civil cases.
- B. Pre-Trial Conference
  - 1. A pre-trial conference may be held at the request of the Court or of any attorney in charge.
  - 2. If the pre-trial conference is set at the request of an attorney, it shall be held no later than ten days prior to the date set for trial, unless the Court, on timely request of one or more attorneys in charge, orders otherwise, or the Court on its own motions sets the Pre-Trial Conference within 10 days of the trial date.
- C. Docket control orders and conferences
  - 1. Docket control orders may be entered by the Court that are submitted by agreement, made on the Court's own motion or as a result of a Docket control conference. Such order when entered shall control the subsequent course of action, unless later modified by the Court.
  - 2. Docket Control orders shall be required by the Court and the attorneys will be expected to submit an Agreed Docket Control order, the terms of which are established in consultation with the Court Coordinator concerning dates.
  - 3. A request for a Docket control conference must contain a certificate that a good faith effort was made to reach agreement so that an Agreed Docket Control order could be submitted.
- D. Telephone Docket Control conference
  - 1. The Docket control conference may be held by telephone with approval of the Court.
  - 2. An attorney requesting that the Docket control conference be held by telephone shall be responsible for arranging the conference call on the date and time scheduled by the Court Coordinator.
- E. Purpose of Docket Control Conference
  - 1. The Docket control conference shall be conducted informally, and shall be for the purpose of the following: becoming acquainted with the nature of the case and the issues presented; determining the

probable length of time required for trial; filing of a discovery control plan; fixing deadlines for joinder of additional parties and amendment of pleadings; to consider such other matters and make docket control orders as are necessary and proper under the circumstances in regard to handling of the case; and to arrive at a firm trial date or firm pre-trial conference date.

### **Rule 3.21 Settlements:**

- A. All trial counsel are urged to make a bona fide effort to settle cases at the earliest possible date before trial.
- B. The Court will expect counsel to confer with his client and with opposing counsel concerning settlement and to recommend an offer which is in his professional opinion reasonable, unless in his professional opinion the case is not such as to justify any offer whatsoever.
- C. When an attorney settles or dismisses a case, which is set for trial, he shall give notice to the Court Coordinator as soon as possible.

### **Rule 3.22 Jury Charge Questions and Instructions:**

Each party shall prepare in proper written form and present to the Court prior to or at the time of the jury selection, all jury charge questions and instructions which are raised by the pleadings and upon which the party has an affirmative burden.

### **Rule 3.23 Certain Discovery Not Filed with the Court:**

Discovery Not Filed: The listed discovery shall not be filed with the District Clerk except on special order of the Judge of the Court, unless filed with the original petition.

- A. *Discovery materials not to be filed.* The following discovery materials must not be filed:
  - 1. discovery requests, deposition notices, and subpoenas required to be served only on parties;
  - 2. responses and objections to discovery requests and deposition notices, regardless on whom the requests or notices were served;
  - 3. documents and tangible things produced in discovery; and
  - 4. statements prepared in compliance with Rule 193.3 (b) or (d).
- B. *Discovery materials to be filed.* The following discovery materials must be filed:
  - 1. discovery requests, depositions notices, and subpoenas required to be served on nonparties;
  - 2. motions and responses to motions pertaining to discovery matters; and
  - 3. agreements concerning discovery matters, to the extent necessary to comply with Rule 11.
- C. *Exceptions.* Notwithstanding paragraph (a)-
  - 1. the court may order discovery materials to be filed;
  - 2. a person may file discovery materials in support of or in opposition to a motion or for other use in a court proceeding; and
  - 3. a person may file discovery materials necessary for a proceeding in a appellate court.

## **Rule 4**

### **Disposition of Family Law and Juvenile Cases**

(All rules for civil cases shall apply to family law cases unless specifically superseded by Rule 4.)

### **Rule 4.1 General**

All suits authorized under the Family code shall be filed by order of the 306<sup>th</sup> Family District Court. These rules shall be applicable to all family law cases filed in Galveston County.

### **Rule 4.11 Time Standards for Family Law Case Disposition (per Rules of Judicial Administration):**

- A. Family Law Cases.
  - 1. Case Information Statement. Each litigant shall complete a Case Information Statement from the District Clerk's Office which shall set the nature of the case, length of preparation time required, and other relevant data as found necessary by the court.

2. Contested Family Law Cases. Within 6 months from the appearance date or within 6 months from the expiration of the waiting period provided by the Family code where such is required, whichever is later.
3. Uncontested Family Law Cases. Within 3 months from the appearance date or within 3 months from the expiration of the waiting period provided by the Family Code where such is required, whichever is later.

**B. Juvenile Cases.**

In addition to the requirements of Title 3, Texas Juvenile Justice Code:

1. All juvenile cases shall be tried before the Juvenile Referee pursuant to Section 54.10 TJJC except the following:
  - a. Adjudicatory or Transfer (Waiver) Hearings pursuant to Section 54.02 TJJC (and the following time standards shall apply)
    1. concerning a juvenile in detention facility: Not later than 10 days following admission to such a facility, except for good cause shown of record,
    2. concerning a juvenile not in a detention facility: Not later than 30 days following the filing of the petition, except for good cause shown of record,
  - b. Jury trials, which shall be tried at the county seat,
  - c. Hearings provided by Sections 54.03, 54.04, and 54.05 TJJC shall be conducted by the judge if the grand jury approved a petition under Section 53.045 TJJC,
  - d. Cases where the child and his/her attorney refuse to waive the hearing by a juvenile judge pursuant to 54.10 (a)(2).
2. The following time standards shall be met in all cases whether tried by a judge or referee:
  - a. All initial detention hearings shall be heard on the next business day following the admission to the detention facility,
  - b. All adjudication and modification hearings shall be held:
    1. not later than ten (10) working days after the initial detention hearing if the child is detained pending trial except for good cause shown of record.
    2. not later than thirty (30) days after the initial detention hearing if the child is released from detention pending trial.
  - c. Disposition Hearing. Not later than 15 days following the Adjudicatory hearing. The Court may grant additional time in exceptional cases that require more complex evaluation.
3. Nothing herein shall prevent a judge from recessing a juvenile hearing at any stage of the proceedings where the parties are agreeable or when in the opinion of the judge presiding in the case the best interests of the child and of society shall be served.

**C. Complex Cases.**

It is recognized that in especially complex cases or special circumstances it may not be possible to adhere to these standards.

**Rule 4.12 Juvenile Disposition Provisions:**

No provision is made in these rules for the disposition of juvenile cases other than as set out above, since juvenile cases are heard by the 306<sup>th</sup> Family District Court, and the County Courts at Law No. One and Two. Rules for the disposition of juvenile cases will be adopted by the aforementioned courts.

**Rule 4.13 Financial Information Statements:**

In all family law cases related to divorce or modification of support, the following shall be included in all orders granted ex parte setting a hearing on temporary orders involving any support or alimony or setting a hearing on support modification:

All parties to this action shall file with the Clerk and deliver a copy to the judge and all counsel or pro se parties a Financial Information Statement (FIS), pay receipts for one month, and/or statement of income from employer.



**Rule 4.14**

The Clerk shall attach a copy of the Financial Information Statement form to each Notice of Temporary Hearing or Citation on Modification which is served on a party and shall furnish a copy of same to each counsel or pro se party not served with the Order. All parties are required to file Financial Information Statement as set out in these rules.

**Rule 4.15**

Financial Information Statement shall be verified by the party and signed by counsel for such party. Counsel and parties are encouraged to prepare Financial Information Statement in such manner that it can be presented as evidence in lieu of direct testimony. Counsel and parties are encouraged to offer the same as evidence in such proceeding.

**Rule 4.16**

Compliance with this rule may be by the completion of a Financial Information Statement in the form attached hereto. Counsel are responsible for accuracy and timeliness.

**Rule 4.17 Inventory and Appraisalment:**

Each party shall file a sworn inventory and appraisalment in accordance with the deadline set out in the docket control order, a copy being furnished to the Judge, opposing counsel and pro se parties. The sworn inventory and appraisalment of all property shall contain statements regarding both separate and community property of the parties, including any property belonging to children of the parties. In the event of a substantial disparity in property evaluation filed by parties to a proceeding, within ten days after the filing of the original inventories and appraisalments, the parties shall file a sworn statement setting forth the reason for the evaluations assigned by each such party. In the event a dispute as to character of property, each party's contention shall be supported by affidavit and documents, if any filed at least ten days prior to trial.

**Rule 4.18**

In the event of the filing of a written agreement completely settling the property of the parties to such action and all custody and support matters, it shall not be necessary to file such inventories and appraisalments.

**Rule 4.19**

The failure to timely file such inventories and appraisalments, affidavits or statements set out in these rules may result, in addition to sanctions provided by law, in the continuance of temporary alimony and/or support or the discontinuation of same, or dismissal of the case for want of prosecution, or the values and statements of the party filing same be taken as true with no evidence in opposition thereto being admitted.

**Rule 4.2 Ex Parte Restraining Orders and Protective Orders:****Rule 4.21**

Ex Parte Restraining Orders: In all cases where there is counsel of record, the party filing the ex parte restraining order is required to notify opposing counsel prior to the filing thereof so opposing counsel may present any objections to the Court.

Except in emergency situations wherein immediate orders are necessary, all ex parte restraining orders may be filed with the clerk who shall transport the files for signature each day at 10:00 a.m. and 4:00 p.m. Settings shall be faxed by the court coordinator to counsel the day the order is presented for signature. If at all possible, the court coordinator shall accommodate the settings requested by atty. by attachment thereto.

No ex parte restraining order shall evict a party from the home unless filed in conjunction with Title 4, T.F.C.

**Rule 4.22**

Except as otherwise provided by law, ex parte protective orders shall be granted only when presented by attorney accompanied by client.

The duration of an Ex Parte Protective Order is 14 days.

**Rule 4.23**

No ex parte order shall restrain a parent from having access to that person's child (ren) except upon affirmation showing that the interest of the children require such restraint.

**Rule 4.31 Possession of and access to a child:**

Possession of and access to a child, including temporary orders, shall be pursuant to T.F.C. Chapter 153.

**Rule 4.32 Child Support:**

The setting of child support, including temporary child support, shall be pursuant to T.F.C. Chapter 154.

**Rule 4.33 Temporary orders:**

- A. Hearings on Temporary Orders shall be heard by the Associate Judge on Mondays and Tuesdays of each week.
- B. Settings on Temporary Orders shall be on a first come, first service basis but hearings shall be by docket call with announcements at 9:00 a.m. and 1:30 p.m. each Monday and Tuesday. The amount of time allotted for each such hearing shall be at the discretion of the Associate Judge.
- C. No record of such hearing shall be made unless reporter is provided by a party to the suit.
- D. All temporary orders shall be filed with the Clerk of the Court within seven (7) days of the hearing or the case shall be subject to dismissal. Such order need not be submitted to other counsel for approval so long as it comports with the Associate Judge's Report, but a copy of the order delivered to the Clerk shall be forwarded to opposing counsel at the same time as to the Court Clerk.
- E. Appeals shall be as set out in Chapter 201 T.F.C. except proposed order shall be forwarded to the court by non-appealing party.

**Rule 4.4 Final Hearings:**

**Rule 4.41**

With the exception of jury trials, all final hearings are preferentially set as the only case for that time slot. Notice of all first settings shall be pursuant to Rule 245 of the Texas Rules of Civil Procedure (i.e. 45 days notice) and shall be set out in the Docket Control Order.

**Rule 4.42 Jury Trials**

Upon proper request and payment of a jury fee pursuant to Rule 216 T.R.C.P., cases shall be set for jury trial at the time of the Status Conference or pursuant to T.R.C.P., whichever shall come later. Cases shall be set on the first available calendar opening corresponding to a scheduled jury week. Cases shall be called in the order in which they are requested. If not reached, the case shall be reset by the Court for the next calendar opening corresponding to a scheduled jury week.

**Rule 4.43 Status Conferences and Docket Control Orders:**

Status Conferences shall be scheduled at 4:00 p.m. on the Thursday approximately one hundred twenty (120) days from the date of the filing of a suit. Attorneys or pro se litigants shall either appear in person to report on the status of the case and assist in the preparation of a Docket Control Order including appointment of a mediator and a final hearing date or shall notify the Court Coordinator by fax or regular mail as to the status of the case and the agreed upon mediator and receive a Docket Control Order by return mail. In the event that appearance is made by submission, any objection to dates and/or extensions requested shall be by motion and hearing thereon, or (except for final hearing or jury trial date) by written agreement of the parties. All deadlines in Docket Control Order shall be strictly adhered to and enforced by the Court.

In the event that no appearance is made at the status conference and no communication made to the court, the case shall be dismissed for want of prosecution.

**Rule 4.44 Non-Jury Trials:**

Requests for settings for final hearings in all contested family law cases made prior to the Status Conference shall be in writing and directed to the Judge’s office with copies to opposing counsel and the Clerk of the Court. In all cases where there is property, a sworn inventory and appraisal must be filed with the District Clerk’s office before the case will be set for trial. If a party fails to file an inventory, the one filed will be taken as uncontested. Such request shall, in addition to the requirements set forth in these rules, a) certify that all parties have fully complied with Rule 4.3 (inventories), b) contain a general statement of the contested issues (i.e. property, conservatorship, support), c) estimate the time required to hear the entire matter, and d) contain a statement that the parties have complied with all local rules.

**Rule 4.45 Alternative Dispute Resolution:**

- A. In all cases in which there are children, the parties **shall** attend the parenting seminar “**For Kid’s Sake**” or the equivalent thereof at their own expense and file proof thereof with the court with a copy to the opposing party prior to the first mediation session. Failure to attend the seminar may cause delay in the trial of the case or limitation of visitation privileges as well as an increased child support obligation to the party failing to comply. Registration shall be held in the County Law Library, 6<sup>th</sup> Floor, Courthouse, 722 Moody, Galveston, Texas, or as may be designated from time to time.
- B. In all cases, the parties shall engage in ADR at their own expense, or if they are unable to afford ADR, they may make application for financially aided mediation through the County Law Library as approved by the Galveston County Mediation Board prior to attending the mediation.
- C. In cases involving family violence or substance abuse, ADR is not permitted and shall be waived upon a showing after Motion filed and hearing had.
- D. All mediators shall have completed basic 40 hour mediation training and advanced family 24 hour mediation training. All mediators of Galveston County cases are subject to performing three (3) pro bono and/or financially aided mediations per year for Galveston County lawsuits.

**Rule 4.46 Uncontested Matters:**

Uncontested matters are heard in 306<sup>th</sup> District Court from 8:30 - 9:00 a.m., Monday through Friday or later in the day, at the Court’s discretion. If the 306<sup>th</sup> District Court Judge is unavailable, the party may request any other District Court or County Court at Law Judge to hear the uncontested matter after advising the 306<sup>th</sup> District Court Coordinator of same.

**Rule 4.47 Default Judgments:**

No default judgments in cases involving children or substantial real or personal property shall be granted without proof of attempted notice of final hearing to opposing party. If notice was not given, MNT shall be granted upon application.

**Rule 4.48 Exhibits:**

All exhibits shall be premarked prior to beginning of hearing or trial.

**Rule 4.51 Continuances:**

No continuances shall be granted, in any case, except upon good cause shown, in writing, signed by the attorneys and the clients and **approved** by the Court, and in accordance with T.R.C.P. Rule 251.

**Rule 4.61 Dead Week:**

The week of the Advanced Family Law Course (usually in August) shall be a dead week for family law.

**Rule 4.71 Entry Date:**

Entry date for all final orders and decrees is no later than 21 days post hearing at 9:00 a.m. unless granted an extension by the Court.

Failure to appear may subject case to be dismissed for want of prosecution.

**Rule 5**  
**Collection Cases reserved for future use**

**Rule 6**  
**Criminal Cases**

**Rule 6.10 Filings/Return of Indictments:**

Assignment of Cases After Indictments

- A. Except as otherwise provided in this Article, the Clerk shall randomly assign every criminal case filed by indictment pending on or filed after December 31, 1992 to the 10<sup>th</sup>, 56<sup>th</sup>, 122<sup>nd</sup>, 212<sup>th</sup> and 405<sup>th</sup> District Court.
- B. After random assignment, the Clerk shall assign any new indictment against a defendant to the Court having a lower pending cause number on that same defendant.
- C. The Clerk shall assign any re-indictment of the same cause to the same Court in which the prior indictment was assigned.
- D. The Clerk, after random assignment of an indictment to a Court shall assign any co-defendant(s) subsequently indicted to the same Court in which the first co-defendant's indictment was assigned.
- E. The Criminal District Attorney shall note on a non-substantive part of the indictment the following information:
  1. whether there are other pending indicted causes on the defendant; whether the indictment is a re-indictment; and
  2. the names of any Co-defendants.
- F. When it is made known to the Clerk that a defendant intends to enter a plea of guilty to a felony information pursuant to a plea bargain agreement, the Clerk shall file the felony information in the Court assigned to conduct initial appearances provided that if a defendant waives his right to indictment and enters a plea of not guilty to a felony information, then the felony information shall be assigned according to subsections A, B, and D of Rule 6.11.
- G. The Clerk shall file any motion to revoke probation or any post-conviction application for writ of habeas corpus in the Court having granted probation or entered the Judgment in the case. A person accused of a felony in custody in the Galveston County Jail should be taken before the Local Administrative District Judge or a Judge designated by him for the accused's initial appearance on or before the third business day following his receipt at the jail. The purpose of the initial appearance shall be to present the accused before the District Court at the earliest practicable time for the possible disposition of his case before indictment (whether by plea of guilty, dismissal, or no charges filed), for his formal arraignment or magistration if required by law, for setting or reducing his bail, for appointment of counsel, and for such other preliminary matters as may aid the prompt disposition of the case.
- H. In the event that a new General Jurisdiction District Court is created by law, then that court shall have criminal cases randomly filed in that court in the same manner as prescribed by Subsection A.

**Rule 6.11 Motion - Pre - Trial Hearings/Pre - Trial Matters:**

- A. Each Court shall determine its own settings for pre-trial and trial.
- B. All pre-trial motions, including motions in limine, must be filed by the set deadline, if any, unless an extension of time is granted by the Court for good cause shown.
- C. Each pre-trial motion that is set for hearing must succinctly state the relief sought, the facts pertinent to the motion, and supporting argument with authorities; must be signed by counsel and, where required, by the defendant; must be sworn to when require; must contain a certificate of service and consultation with opposing counsel and a statement that the matter raised in the motion was not resolved, or if no consultation was accomplished, an explanation thereof; must contain a notice the motion will be presented to the Court at the pretrial hearing with or without evidence; and must contain a proposed order granting or denying the motion in full or in part.
- D. The Court may refuse to consider any pretrial motion that fails to comply with these rules.

- E. Motions for continuance, whether by State or the Defendant, must comply with the applicable law contained in the Code of Criminal Procedure and must be presented to and considered by the Court on or before the Friday before the scheduled trial date, unless approved by the Court.
- F. Except for good cause shown, the Court shall not consider any motion for continuance on the scheduled trial date.
- G. Criminal cases are to be filed, docketed, assigned, and processed pursuant to Rule 3 hereof when not in conflict with specialized setting rules.

## **Rule 7 Jury Management**

### **Rule 7.10 Jury Plan:**

The Galveston County Jury Plan III and Addendum, approved by the Commissioners Court and entered in the Minutes on February 25, 1981 and July 7, 1982, respectively, is on file in the District Clerk's office.

### **Rule 7.11 Impaneling Juries:**

The Local Administrative District Judge, or a Judge designated by him, shall preside over the qualification of petit jurors and the assignment of jury panels to the various courts.

## **Rule 8 Judges vacations, absences and disqualification**

### **Rule 8.10 Vacations:**

The Judge of each Court shall receive thirty days vacation time each year. Notice of vacation periods shall be provided the Local Administrative District Judge and the District Clerk in advance. Judicial conferences and educational events are official duties and not to be considered as vacation; but notice shall be provided as above.

## **Rule 10 Attorneys**

### **Rule 10.13 Attorney Vacations:**

Each Attorney who desires to assure himself a vacation for a period not to exceed four weeks may do so automatically by designating the four weeks, in writing, addressed and mailed or delivered to the District Clerk, the County Clerk, and each court in which counsel practices thirty days in advance, except that in the event an attorney already has a setting at the time the vacation notice is filed, there is no automatic assurance, and a motion for continuance needs to be filed and a ruling obtained. If the attorney who files a vacation letter has previously agreed to a jury trial setting that is during the time period covered by the vacation notice, the Court is not required to grant a continuance.

## **Rule 13 Adoption, Amendment, Notice**

### **Rule 13. 10**

These rules may be amended by majority vote of the District Judges, provided:

- A. that any proposed rule or amendment shall not be inconsistent with rules adopted by the Supreme Court of Texas or with any rule of the Administrative Judicial District in which the Court is located; and,
- B. any proposed rule or amendment shall not become effective until it is submitted and approved by the Supreme Court of Texas; and,
- C. any proposed rule or amendment shall not become effective until at least thirty days after its publication in a manner reasonably calculated to bring it to the attention of attorneys practicing before the court or courts for which it is made, and
- D. all rules adopted and approved in accordance herewith are made available upon request to members of the Bar and the public.

**Rule 14**  
**Electronically Transmitted Court Documents**

**Rule 14.10 Receiving and Filing**

The following rules govern the procedure for the District Clerk of Galveston County ("the clerk") to receive and file electronically transmitted court documents.

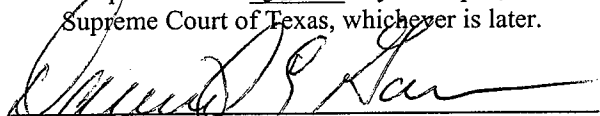
- A. The clerk is authorized to accept for filing via electronic transmission any document which might be filed in a court action except: (a) returns of service on issuances; (b) bonds; (c) signed orders or judgments. As of July 19, 1990, by order of the Supreme Court of Texas, facsimile transmission of judicial assignments may be accepted with original copies being retained by the Office of the Chief Justice or Administrative Judicial Region.
- B. Documents electronically transmitted for filing will be received by the clerk on a plain paper facsimile and printed by a laser printer, thereby rendering the copy of archival quality. No document printed on thermal paper shall be filed.
- C. No document electronically transmitted shall be accepted by the clerk for filing until court costs and fees have been paid. Court costs and fees may be paid through an escrow account established with the clerk. Documents tendered to the clerk electronically without payment of court costs and fees, or with incomplete information on the charge authorization or request, or which do not conform to applicable rules, will not be filed.
- D. A fee schedule for electronic filing shall be adopted annually by the clerk and approved by the local courts.
- E. An electronically transmitted document accepted for filing will be recognized as the original record for file or for evidentiary purposes when it bears the clerk's official date and time file stamp.
- F. Every document electronically transmitted for filing shall conform to the requirements for filing established by the Texas Rules of Civil Procedure, i.e., shall be on paper measuring approximately 8-1/2 x 11 inches, shall be signed individually by the party or the party's attorney of record, and shall contain that individual's State Bar of Texas identification number, if any, address, telephone number and telecopier number. The quality of the original hard copy shall be clear and dark enough to transmit legibly.
- G. The sender shall maintain the original of the document with original signature affixed as required by section 51.806, Texas Government Code.
- H. A cover sheet must accompany every transmission which shall: (a) clearly identify the sender, the documents being transmitted, and the number of pages; (b) have clear and concise instructions concerning the issuance or other request; and (c) have complete information on the charge authorization or escrow account debit for court costs and fees.
- I. The clerk, upon receipt of an electronically transmitted document, shall verify the completeness of the transmission.
- J. The clerk, when satisfied that the transmission is complete, shall confirm the charge authorization or escrow account debit and note the authorization code on the cost receipt. Thereafter, the documents tendered electronically shall be deemed accepted for filing and the clerk shall affix the clerk's official date and time file stamp to the document.
- K. If the transmission is found to be incomplete or court costs or fees, if required, are not paid, the clerk will notify the sender as soon as practicable that the transmission has not been filed and the reason.
- L. After filing an electronically transmitted document the clerk will electronically transmit to the sender an acknowledgment of the filing, together with cost receipt, if any.
- M. No citation or writ bearing the official seal of the court may be transmitted electronically.
- N. Electronic transmission of a document does not constitute filing. Filing is complete when the clerk's official date and time stamp is affixed to the document.
- O. Each page of any document received by the clerk will be automatically imprinted with the date and time of receipt. The date and time imprinted on the last page of a document will determine the time of receipt but not time of filing. Transmissions completed during a normal business day before 5:00 p.m. and accepted for filing will be filed the day of receipt. Transmissions completed after 5:00 p.m., on weekends or holidays will be verified and filed before 10:00 a.m. on the first business day following receipt of transmission. The sender is responsible for determining if there are any charges in normal business hours.

**Adoption**

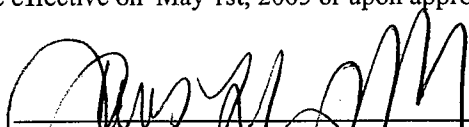
Subject to the approval by the Supreme Court of Texas, these rules shall become effective May 01, 2005, and so long thereafter until amended, repealed or modified by order of the District Courts. All existing Local Rules previously governing the management of the Court dockets shall be repealed on the effective date of these rules. Each numbered or lettered paragraph of these rules shall be considered to be separate and distinct from all other portions hereof, and if any portion should be declared by a higher Court to be improper, such declaration will not affect any other portion not so declared to be improper.

The District Clerk is directed to furnish a copy of these rules to the Supreme Court of Texas, pursuant to Rule 3a of the Texas Rules of Civil Procedure, and to record these rules in the Civil Minutes of the 10<sup>th</sup>, 56<sup>th</sup>, 122<sup>nd</sup>, 212<sup>th</sup>, 306<sup>th</sup> and 405<sup>th</sup> District Courts.

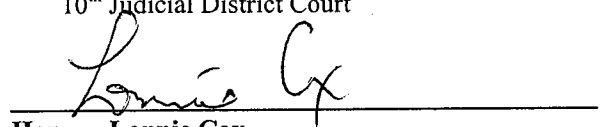
Adopted this the 25<sup>th</sup> day of April, 2005 to become effective on May 1st, 2005 or upon approval by the Supreme Court of Texas, whichever is later.



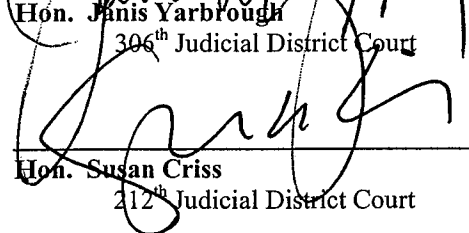
Hon. David E. Garner  
10<sup>th</sup> Judicial District Court



Hon. Janis Yarbrough  
306<sup>th</sup> Judicial District Court



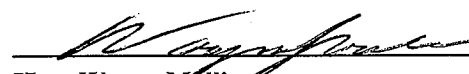
Hon. Lonnie Cox  
56<sup>th</sup> Judicial District Court



Hon. Susan Criss  
212<sup>th</sup> Judicial District Court



Hon. John Ellisor  
122<sup>nd</sup> Judicial District Court



Hon. Wayne Mallia  
405<sup>th</sup> Judicial District Court

This document filed with LATONIA WILSON, District Clerk of Galveston County, Texas on the \_\_\_ day of \_\_\_\_\_, 2005.

I, Latonia D. Wilson, District Clerk and Custodian of Records for District Courts of Galveston, County, Texas do hereby certify that the foregoing is a true and correct copy of the original record, now in my lawful custody and filed in this office on the 26<sup>th</sup> day of April 2005 witness my official hand and seal of office this 26<sup>th</sup> day of April 2005  
LATONIA D. WILSON, DISTRICT CLERK  
Galveston County, Texas

By Dianna Baker Deputy

**FILED**  
05 APR 26 AM 9:24  
*May Ann Daigle*  
COUNTY CLERK  
GALVESTON COUNTY, TEXAS

05 APR 26 AM 9:09  
*Latonia D. Wilson*  
DISTRICT CLERK  
GALVESTON COUNTY, TX.



## Second Administrative Judicial Region of Texas

Olen Underwood

Presiding Judge

*Kassi Cranfill*  
Administrative Assistant

*Christina Crawford*  
Secretary/Receptionist

May 19, 2005

Honorable Nathan L. Hecht  
Justice, Supreme Court of Texas  
P.O. Box 12248  
Austin, Texas 78711

Re: Amended Local Rules of the District Courts for Galveston County, Texas

Dear Judge Hecht:

Pursuant to, and in accordance with Rule 3a, Texas Rules of Civil Procedure, and Rule 8, Regional Rules of Administration, Second Administrative Judicial Region of Texas, I am enclosing for approval by the Justices of the Supreme Court, Amended Local Rules of the District Courts for Galveston County, Texas.

I hereby approve this addition of the Amended Local Rules of the District Courts for Galveston County, Texas. Please advise this office of the Courts actions.

Thank you for your usual courtesies.

Sincerely,

A handwritten signature in black ink that reads "Olen Underwood".

Olen Underwood  
OU/kc

cc: Honorable David E. Garner, Local Administrative Judge  
Office of Justice Administration, Galveston County

Enclosure