

IN THE SUPREME COURT OF TEXAS

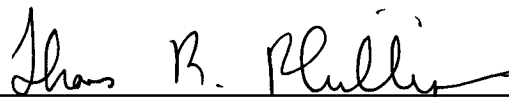
Misc. Docket No. 98- 9069

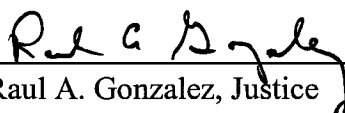
**APPROVAL OF LOCAL RULES FOR THE
DISTRICT COURTS AND COUNTY COURTS AT LAW
OF LUBBOCK COUNTY, TEXAS**


ORDERED that:

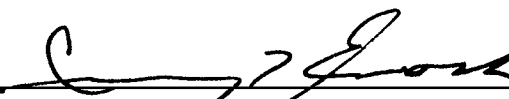
Pursuant to Texas Rule of Civil Procedure 3a, the Supreme Court of Texas approves the following Local Rules for the District Courts and County Courts at Law of Lubbock County, Texas. The approval of these rules is temporary pending further orders of the Court.

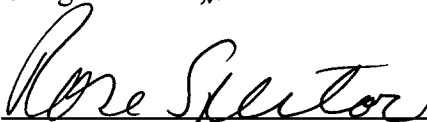
SIGNED AND ENTERED this 29th day of April, 1998.


Thomas R. Phillips, Chief Justice

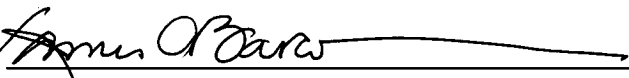

Raul A. Gonzalez, Justice

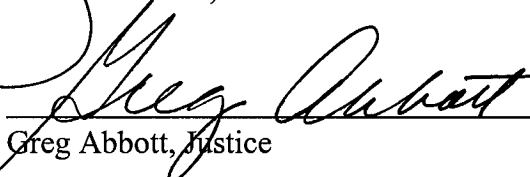

Nathan L. Hecht, Justice

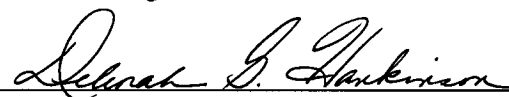

Craig T. Enoch, Justice


Rose Spector, Justice


Priscilla R. Owen, Justice


James A. Baker, Justice


Greg Abbott, Justice


Deborah G. Hankinson, Justice

LOCAL ADMINISTRATIVE RULES

of the

DISTRICT COURTS

and

COUNTY COURTS-AT-LAW

of

LUBBOCK COUNTY, TEXAS

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RULE 1 - GENERAL

Rule 1.10 Court Sessions, Annual Calendars, Holidays

- a. The district courts and the county courts-at-law shall each publish annually a joint calendar setting out a schedule for jury and non-jury weeks for each respective court. Copies of such calendar will be kept in the district clerk's office and the county clerk's office and will be furnished upon request.
- b. The courts will observe those holidays set by consensus of the county public officials and published by the Commissioners Court of Lubbock County.

Rule 1.11 Hours of Court Proceedings

Court shall be held at such times as may be determined expedient by the judge of each court.

Rule 1.12 Emergency and Special Sessions

No local rule.

Rule 1.13 Jury/Non-Jury Weeks

No local rule.

RULE 2 - LOCAL ADMINISTRATIVE JUDGE

Rule 2.10 Powers and Duties of Local Administrative Judge

- a. The local administrative judge shall have duties prescribed in Section 74.092, Texas Government Code.
- b. The judges of the District Courts, County Courts-at-Law and County Court of Lubbock County shall elect a district judge for a term of two (2) years.

- c. The local administrative judge shall call for a meeting of the judges at least once monthly.

Rule 2.11 Information to Local Administrative Judge

No local rule.

Rule 2.12 Exercise of Powers in Absence

No local rule.

Rule 2.13 Court Divisions

The judges by their annual calendar shall provide for the judge to be assigned to the central jury pool, juvenile cases, and grand jury for each month. Other matters such as extradition hearings and emergency matters shall be heard by the judge presiding in the central jury pool for that week.

RULE 3 - CIVIL CASES

Rule 3.10 Filing and Assignment of Cases

Civil cases shall be filed randomly by the District Clerk and the County Clerk. The random method of filing will be determined by the judges from time to time.

Rule 3.11 Filing on Holidays

No local rule.

Rule 3.12 Transfer of Cases, Docket Exchange, Bench Exchange

- a. Any case may be transferred from one court to another court by written order of the judge from which the case is transferred, provided the judge to whom the case is being transferred consents in writing to the transfer.

b. 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 consolidated case will be given the number of the lowest numbered case and assigned to that court.

c. The judges of the district and statutory county courts of Lubbock County may hear cases in other courts in the county as provided by Section 74.094, Texas Government Code.

Rule 3.13 Request for Settings - Non-Jury

- a. A request for a trial setting shall include a statement that all discovery is complete, or will be complete at least seven (7) days prior to the first docket date.
- b. Requests for civil non-jury settings in both the district courts and the county courts-at-law shall be addressed in writing to the appropriate court coordinator, with notice to all counsel and pro se parties.

Rule 3.14 Disposition of Uncontested Matters

Disposition of uncontested matters shall be by appointment through the court coordinator for the court.

Rule 3.15 Request for Settings - Jury

- a. A request for a trial setting shall include a statement that all discovery is complete, or will be complete at least seven (7) days prior to the first docket date.
- b. Requests for civil jury settings in both the district courts and the county courts-at-law shall be addressed in writing to the appropriate court coordinator, with notice to all counsel and

pro se parties.

Rule 3.16 Jury Fee and Jury Demand

No local rule.

Rule 3.17 Docket Calls and Announcements

a. District Courts

Each district court coordinator shall mail or fax dockets in civil and criminal cases notifying attorneys, or parties in the event of pro se pleadings, of the date and hour that each court shall have docket call.

b. County Courts-at-Law

(1) Civil Cases:

Each county court-at-law coordinator shall mail or fax dockets in civil cases notifying attorneys, or parties in the event of pro se pleadings, of the date and hour that each court shall have docket call.

(2) Criminal Cases:

Every pending case will be set on an announcement, guilty plea, jury trial, or non-jury trial docket. The attorney, or bondsman if no attorney, or the defendant if no attorney and no bondsman, shall receive from the court coordinator a setting sheet showing the date and hour that the case is set for docket call.

c. The attorney who will try the case or an authorized attorney shall be present at the docket call. In the event of a conflict, the attorney shall contact the court coordinator before docket call to make his/her announcement.

d. Cases shall be assigned their order for trial at the docket call.

Chronological order shall be maintained unless the trial court specifically orders otherwise.

Rule 3.18 Assignment of Cases for Trial

No local rule.

Rule 3.19 Conflicting Settings and Assignments of Counsel

- a. An attorney seeking to have a case continued or passed on the grounds that the attorney is to go to trial in another court, shall, prior to docket call, furnish the court and opposing counsel with a written statement, disclosing the name of the court in which such other case is filed, the style of the case, the time for which such case is set, and the date on which the conflicting setting was made by the other court. In the event the case in the other court is passed, continued or disposed of prior to or during the week in which the case is set for trial in Lubbock County, the attorney shall immediately notify the court and opposing counsel of such fact.
- b. Rule 10(b) of the Regional Rules of our Administrative District shall establish the priority of cases in the event of conflict between courts.

Rule 3.20 Preferential Settings

- a. Preferential settings shall be made in accordance with Sections 23.101 and 23.102 of the Government Code.
- b. Preferential settings may also be made if, because of unusual circumstances, more than ordinary difficulty would be encountered in having all counsel and witnesses available such that a special setting will facilitate the orderly conduct of the court's business.

Rule 3.21 Resetting

Cases that have not been reached, continued, or passed may be carried over to the next assignment period or reset for trial at the direction of the trial judge.

Rule 3.22 Dismissal Docket; Involuntary Dismissal

- a. At least once each year, each domestic relation case which has been on file for more than one year and all other civil cases which have been on file for more than two years shall be placed on a dismissal docket. The attorneys shall be sent a notice of the court's intention to dismiss the case for want of prosecution as provided for by rule 165a, Texas Rules of Civil Procedure. Written motion setting forth good cause must be presented to the trial judge prior to the specified date of dismissal.
- b. If no appearance or announcement is made when the case is called for trial, the case will be dismissed for want of prosecution at that time.
- c. Where motions to remove a case from the dismissal docket are granted, the case shall, at the judge's discretion, be referred to mediation or set for trial within 60 days.

Rule 3.23 Suspense Docket

- a. If a case has been stayed because it relates to a bankruptcy proceeding or payout agreement, such case is to be transferred to a "Suspense Docket" for suspension of further action.
- b. Within one year of referral of a case to a Suspense Docket or the last status report, all attorneys in charge or pro se parties shall file with the clerk a report explaining the status of the case. If no such report is filed within said time, the judge in his discretion may set the case for dismissal.

Rule 3.24 Hearings on Pre-Trial Pleas and Motions

All civil pre-trial motions requiring hearing including, but not limited to, temporary injunctions, discovery motions, protective orders, summary judgments, contempt and pre-trial hearings shall be submitted to the court coordinator to be submitted to the trial judge for setting. After orders setting said motions are obtained by the court coordinator, it shall be the responsibility of the moving party to obtain proper notice or citation to all opposing parties entitled to notice.

Rule 3.25 Attorney Conference Requirement and Procedure

No local rule.

Rule 3.26 Non-Compliance with Conference Procedures

No local rule.

Rule 3.27 Discovery Disputes

Set by motion and order under Rule 3.24.

Rule 3.28 Severances

Set by motion and order under Rule 3.24.

Rule 3.29 Continuances

Set by motion and order under Rule 3.24.

Rule 3.30 Default Judgments

Hearing on default judgments are to be scheduled with the trial court through the court coordinator.

Rule 3.31 Summary Judgments

a. Hearings to be set as required by Rule 3.24.

- b. Summary judgments are to be submitted by briefs at least five (5) days prior to the submission date. Attached to the briefs should be copies of all cases cited, affidavits, and portions of depositions referred to.
- c. If reply briefs are requested, the trial court should be so informed by the submission date.
- d. Any party that believes oral submission is necessary should request same from the trial court prior to the submission date. The trial judge will grant or deny the request at his/her discretion.

Rule 3.32 Ancillary proceedings, Temporary Orders, and Emergency Matters

No local rule.

Rule 3.33 Complex Case Designation

No local rule.

Rule 3.34 Alternative Dispute Resolution

(a) Purpose and Scope

This chapter shall direct the referral of cases to Alternative Dispute Resolution (ADR) procedures in the Lubbock County District Courts and County Courts-At-Law. Where applicable, it shall apply to mandatory and voluntary referrals to ADR procedures on the court's own motion, on a motion by a party, or by agreement of the parties.

(b) Authority for Referral of Cases to ADR Procedures

This chapter is based upon the judicial authority of the Lubbock County District Courts and County Courts-At-Law under the Constitution, statutes, and common law of Texas, and

in particular upon the authority of the Texas Alternative Dispute Resolution Procedures Act, TEX. CIV. PRAC. & REM. CODE Section 154.001, et seq., providing for referral of cases to ADR procedures.

(c) Policy for Referral of Cases by the Courts

It shall be the policy of the Courts of Lubbock County to encourage the peaceable resolution of disputes and the early settlement of pending litigation by identifying cases appropriate for referral to ADR procedures pursuant to the guidelines set out in this policy chapter.

(d) Referrals

(1) Family

The Courts of Lubbock County will refer all contested family cases in which a final hearing has been requested to the South Plains Dispute Resolution Center (DRC). The center is authorized by TEX. CIV. PRAC. & REM. CODE Section 152.002 to accept referrals from the courts and manage the Family Court Services for the courts. When a referral is made, copies of the referral will be mailed to the respective attorneys/representative and the Dispute Resolution Center.

(2) Other

In all cases not otherwise covered above or by the "Interim Rules for Mandatory Moderated Settlement Conference" dated July 1, 1992, the court may on its own motion or the motion of a party, refer a pending dispute for resolution by an alternative dispute procedure as provided in Section 154 of the TEX. CIV. PRAC. & REM. CODE.

An attorney or representative desiring referral prior to a referral by the court shall file with the court a motion requesting such

referral. Copies of the motion should be provided to the judge, court coordinator, and Dispute Resolution Center.

(e) Objection

In accordance with TEX. CIV. PRAC. & REM. CODE Section 154.022 an objection may be filed with the court within ten days after referral. An objection should be submitted to the appropriate clerk, judge, court coordinator, and DRC. Upon receipt of the written objection, specifying why the referral is inappropriate, the judge will approve or disapprove the request. If the objection is accepted, the court will notify all parties that an ADR referral is rescinded.

(f) Response to Referral

Upon receipt of a referral order, the respective parties are ordered to participate in an ADR process. If an objection has not been filed and accepted, it is the responsibility of the respective attorneys to advise their client(s) about the purposes and intent of the referral. Each party must attend the ADR procedure in accordance with the court's order, unless a party or person has been excused by the court.

The DRC shall report to the court regarding the compliance of attorneys and parties with the court's order. If a party and/or attorney does not comply with an order, the court shall decide what sanctions, if any, may be assessed.

(g) Orientation & Conference - Family

The South Plains Dispute Resolution Center (DRC) will conduct an orientation session for the involved parties in a family dispute prior to the commencement of ADR. Attorneys may attend an orientation. The sessions are intended for the parties so that they may ask questions and obtain a clear understanding about what to expect. All sessions will normally

be held at the Lubbock County Courthouse.

If a party does not attend, the attorney of record will be notified. A second non-response will be reported to the court. Arrangements to change attendance for an orientation session shall be made with the DRC.

When an ADR Conference is to be scheduled and the parties are unable to agree upon a date, the DRC shall set a date and time and notify the parties in writing.

(h) Documents

The parties are urged to provide the DRC with any documents deemed appropriate by the party or the attorney. The DRC does not receive records of court proceedings, orders or petitions prior to implementing an ADR procedure.

As appropriate to protect the involved parties, injunctions or restraining orders should automatically be provided to the DRC by the parties or their attorneys. It will be the task of the DRC to assure that the involved parties abide with court orders when involved with ADR at the DRC.

(i) Attorney Participation

Attorneys may and are encouraged to participate in ADR. Even if one party is represented by Counsel and one or more parties are unrepresented, the ADR process will proceed.

(j) Agreements

(1) Family

The DRC will follow the Family Code provisions for settlements reached in ADR proceedings.

(2) Civil

The attorneys for the respective parties are responsible for communicating the fact of any settlement or partial settlement to the court.

(k) Report to Court

Certification will be given to the appropriate court by the DRC that the parties have or have not submitted to ADR. Once the parties have submitted to ADR, and upon receipt of the certification, the court will set the case for trial. If the party or parties did not submit to ADR, the offending party or parties may be subject to sanctions under Rule 215, TRCP.

(l) Discovery

After the motion for referral has been delivered, and until the ADR procedure has been completed, no further discovery under the Texas Rules of Civil Procedure shall be conducted, except by agreement of the parties in writing and filed with the clerk or by specific court order.

(m) Confidentiality of ADR Procedures

All ADR proceedings are confidential to the extent provided by Chapter 154, TEX. CIV. PRAC. & REM. CODE.

(n) ADR Master

The Board of Judges may appoint a master to manage the court's ADR activity.

The master shall have such powers and be assigned such duties as authorized by the Board of Judges and Texas law.

Rule 3.35 Pre-Trial and Scheduling Conferences

No local rule.

Rule 3.36 Certificate of Progress; Proposed Preparation Plan

No local rule.

Rule 3.37 Trial Stipulations and Admissions

No local rule.

Rule 3.38 Trial Witnesses and Exhibits

- a. Examination of witnesses shall normally be conducted from counsel table while counsel is seated. If the witness is to be examined about certain physical evidence, counsel may approach the witness.
- b. No physical evidence shall be handed to the jury without consent of the trial judge. Such exhibits handed to the jury shall be picked up by the bailiff.

Rule 3.39 Disposition Conferences

No local rule.

Rule 3.40 Settlements

Scheduling for settlement hearings should be through the court coordinator.

Rule 3.41 Jury Selection

No local rule.

Rule 3.42 Jury Charge Questions and Instructions

In all civil jury cases, anticipated jury questions, definitions and

instructions shall be submitted to the court in writing prior to the beginning of the trial in such form that they may be directly inserted into the court's charge.

Rule 3.43 Submission of Orders, Judgments, Instruments

- a. Agreed or approved judgments and orders should be submitted directly to the court coordinator for submission to the court for signature along with the court's file.
- b. Orders and judgments which are not agreed or approved shall be submitted no sooner than 10 days after a copy has been mailed or delivered to opposing counsel or party (if no counsel) with instructions to opposing counsel or party to send written objections to the trial court before the proposed submission date.

Rule 3.44 Withdrawal and Copying of Documents

No local rule.

Rule 3.45 Other Local Rules

No local rule.

RULE 4 - FAMILY LAW CASES

Rule 4.10 Ancillary Proceedings, Temporary Orders and Emergency Matters

An associate judge has been duly appointed for the district courts and county courts-at-law of Lubbock County and the following will be heard originally by the associate judge:

- (1) All motions to modify child support;
- (2) All motions to modify visitation orders;

- (3) All motions for temporary orders in suits for divorce or annulment;
- (4) All motions for temporary orders in suits affecting the parent-child relationship, except those that require a hearing to determine whether there is a serious, immediate question concerning the welfare of a child, pursuant to Sec. 14.08(g) or Sec. 14.10(c) of the Texas Family Code;
- (5) All review hearings required by Chapter 18 of the Texas Family Code;
- (6) Any other matter referred to the associate judge by the presiding judge.

All motions on ancillary proceedings, temporary orders and emergency matters shall be presented to the court coordinator of the associate judge for scheduling for hearing before the associate judge. Orders setting hearings are to be signed by the associate judge or trial judge. Proper notice or service shall be the responsibility of the moving attorney.

Rule 4.11 Disposition Proposals

Each attorney shall submit a proposed property division including property claimed or recognized as separate property to the court and opposing counsel not later than the commencement of trial.

Rule 4.12 Uncontested Matters

To expedite trials, it shall be the duty of each attorney to confer, PRIOR to trial, with each other attorney regarding settlement, stipulations, estimated time of trial, waiver of jury, the extent, description, character and value of property in question, amount of support, conservatorship, periods of possession and/or access, rights, duties and powers of the conservators, and contested issues. Prior to trial, a written statement shall be filed certifying that a good faith

effort to so confer has been made and containing any agreed stipulations:

Rule 4.13 Financial Information Statements

In all cases requiring the division of property and/or liabilities, the husband and wife each shall file with the court, or upon written mutual agreement, exchange between themselves, sworn inventories. Each inventory shall list the value of each item of property and shall list each liability, the number of periodic payments in arrears, if any, the property securing its payments, and the name of the creditor. Any property or liability claimed to be separate shall be so characterized.

Rule 4.14 Child Support Guidelines

Child support guidelines established by the supreme court shall be followed unless proper showing for variances is established by evidence.

Rule 4.15 Visitation Guidelines

The Standard Visitation Guidelines shall be followed unless a necessity for variation is established by proper evidence.

Rule 4.16 Inventory and Appraisalment

Covered under Rule 4.13

Rule 4.17 Ad Litem Appointments

No local rule.

Rule 4.18 Mediation Counseling

Required unless waived by the court for good cause.

Rule 4.19 Referral to Master

A master has been duly appointed for the district courts and county courts-at-law of Lubbock County and the following will be heard originally by the master:

- (1) All cases filed pursuant to Title IV-D of 42 U.S.C. Sections 651, et seq., by direction of Section 201.101 et seq. of the Family Code;
- (2) All support, contempt, and visitation matters in which the Texas Department of Human Resources is represented by the Texas Attorney General's Office;
- (3) Any other matter referred to a master by the presiding judge.

RULE 5 - LIQUIDATED CLAIM CASES

No local rules.

RULE 6 - CRIMINAL CASES

Rule 6.10 Felony and Misdemeanor Cases

No local rules.

Rule 6.11 Grand Jury

One grand jury will be empaneled each month in Lubbock County. The district courts will rotate months that each particular district court will empanel a grand jury. The rotation of courts will be noted on the annual joint calendar published by the district courts each year.

Rule 6.12 Filings/Return of Indictments

- a. All indictments shall be returned to the district court that has empaneled the grand jury.
- b. When a defendant is on felony probation or has a felony case

pending in a Lubbock County District Court, subsequent indictments in Lubbock County shall be transferred to that court.

Rule 6.13 Initial Appearance/Arrestment

All persons arrested by a peace officer of this state should be taken before a magistrate without unnecessary delay. The purpose of the initial appearance is to inform the accused of the accusation(s) against him, inform him of his rights, and to set bail on bailable offenses where the bail has not previously been set, pursuant to Art. 15.17, Code of Criminal Procedure.

All criminal cases will be given an arraignment date at which time the attorney may waive arraignment and make official appearance in the case in writing prior to the arraignment date and need not be present. If arraignment is not waived, the defendant shall be present along with his attorney if he has one.

Rule 6.14 Appointment of Counsel

Court appointments will be made by the judge in whose court the case is pending upon a defendant legally establishing indigency.

Rule 6.15 Appearance of Defendant and Counsel/Court Attendance

Immediately upon employment, the defense attorney shall give written notice thereof to the district attorney and to the court coordinator for the district court if a felony, and to the court coordinator for the county court-at-law if a misdemeanor. Any appearance at court for the defendant, including, but not limited to, getting a bond set or reduced, shall constitute the attorney as attorney of record for the defendant.

Rule 6.16 Withdrawal or Substitution of Counsel

a. Subject to Rule 6.16(b), no attorney will be allowed to

withdraw from a case without a hearing to (1) determine the reason, and (2) advise the defendant of his rights if the motion is granted.

- b. Substitution of counsel may be granted without a hearing if a motion is filed with the joint signatures of the attorney of record, the substituted attorney and the defendant.

Rule 6.17 Bond and Bond Forfeiture

- a. For felonies, the bond set by a magistrate shall remain in effect after indictment unless the district judge in whose court the case is pending resets the bond.
- b. Bond forfeiture will be promptly initiated upon failure to appear.

Rule 6.18 Discovery

No local rule.

Rule 6.19 Docket Calls/Announcements

- a. Attorneys of record shall appear at docket call or arrange to have another attorney appear for them, or the attorney of record must communicate their announcement to the court coordinator prior to the docket call. Motions for continuance must be presented by the attorney of record.
- b. Announcements by attorneys are a certification to the court by the attorney that the defendant is available for trial.

Rule 6.20 Continuance/Resetting/Postponement

There will be no summary or automatic "first" continuances. All continuances shall comply with statutory requirements.

Rule 6.21 Plea Bargains

Agreed plea bargains shall be fully disclosed in the "plea packet" in order for the trial judge to go over the plea bargain with the defendant at the time of the plea.

Rule 6.22 Guilty Plea/Nolo Contendere/Open Pleas

a. District Courts

(1) The court coordinator for the district court shall schedule guilty plea dockets. When plea bargains are negotiated, the coordinator shall be notified so that a date may be scheduled.

(2) The court coordinator shall also schedule open pleas before the court.

b. County Courts-at-Law

(1) Guilty pleas will be scheduled by the court coordinator as in other docket settings for misdemeanors.

(2) Non-scheduled pleas will be held Monday through Thursday at 1:00 p.m. in the court that is calling the criminal docket for that week.

Rule 6.23 Speedy Trial

All cases will be set for trial as expeditiously as possible.

Rule 6.24 Motions/Pre-Trial Hearings/Pre-Trial Matters

a. District Courts

Each district court shall determine its own setting for pre-trial hearings. The defendant shall appear at each pre-trial hearing.

b. County Courts-at-Law

All pre-trial matters will be taken up immediately prior to jury selection the date the case is set for trial.

Rule 6.25 Settings/Schedules

The court coordinators shall prepare dockets to call for specific numerical settings. Subject to the judge's discretion, the order of settings shall be followed as closely as possible.

Rule 6.26 Order of Trial; Preferential Settings; Conflicting Engagements

a. District Courts

(1) The court coordinator of the district court shall mail or fax trial settings, if possible, 30 days in advance. Preferential settings shall be given as required by statute.

(2) Capital cases, because of the prolonged time element involved, will be set by the trial court after consulting with the criminal district attorney and the defense attorneys.

b. County Courts-at-Law

The court coordinator of the county court-at-law shall make trial settings available to the criminal district attorney, the defense bar, bondsmen and defendants, where possible, 30 days in advance. Preferential settings shall be given as required by statute.

Rule 6.27 Witnesses/Evidence

a. Examination of witnesses shall normally be conducted from counsel table while counsel is seated. If the witness is to be examined about certain physical evidence, counsel may

approach the witness.

- b. No physical evidence shall be handed to the jury without consent of the trial judge. Such exhibits handed to the jury shall be picked up by the bailiff.

Rule 6.28 Non-Jury Trials

The court coordinator shall schedule non-jury cases.

Rule 6.29 Jury Trials

Dates for criminal jury trials shall be noted on the annual joint calendar of the District Courts and on the annual joint calendar of the County Courts-at-Law.

Rule 6.30 Jury Selection/Voir Dire

- a. Jury selection and voir dire will be in accordance with Chapters 33, 34 and 35, Code of Criminal Procedure.
- b. Jury information sheets completed in the Central Jury Pool will be delivered to attorneys and the court prior to voir dire.

Rule 6.31 Probation Application/Deferred Adjudication

No local rule.

Rule 6.32 Pre-Sentence Report/Court's Proposed Sentence

Pre-Sentence reports will be processed as required by Article 42.12, Sec. 4, Code of Criminal Procedure.

Rule 6.33 Judgments/Orders

Judgments shall be prepared as required by Article 42.01 and 42.02 of the Code of Criminal Procedure.

Rule 6.34 Occupational Driver's License

No local rule.

Rule 6.35 Probation Revocations; Motions to Adjudicate; Habeas Corpus

- a. Motions to revoke probation and to proceed to adjudication will be conducted in accordance with the requirements of Article 42.12, Code of Criminal Procedure.
- b. Application and proceedings pertaining to writs of habeas corpus will be conducted in accordance with Chapter 11, Code of Criminal Procedure.

Rule 6.36 Appeals from Lower Courts

No local rule.

RULE 7 - JURY MANAGEMENT

Rule 7.10 Management of Juries

- a. Lubbock County has adopted an Electronic Jury Selection Plan as authorized by law.
- b. The Joint Annual Calendar of the District Courts will show the district judge presiding in the central jury pool. Judges may substitute for each other as the need may arise.

RULE 8 - JUDICIAL VACATION

Rule 8.10 Judicial Vacation

The judge of each court shall receive thirty (30) days vacation time each year.

Rule 8.11 Notification of Local Administrative Judge of Absence or Planned

Vacation of Judge

Notice of vacation periods shall be provided to the local administrative judge at least four (4) weeks prior to the date of such vacation period or periods when possible. This rule shall not apply to judicial conferences and educational events.

Rule 8.12 Requests for Visiting Judge

No local rule.

RULE 9 - NON-JUDICIAL PERSONNEL

Rule 9.10 Non-Judicial Personnel

The Local Administrative Judge of Lubbock County shall supervise the court administration program and shall be responsible for all administrative matters peculiar to the courts (as distinguished from judicial matters), subject to Section 72.002(2) of the Texas Government Code and the Rules of Judicial Conduct. He shall periodically review the caseload procedures and operations of the court administration program and shall recommend necessary changes to the board of judges.

Rule 9.11 Qualifications of Non-Judicial Personnel

The board of judges shall determine the qualification of personnel in the administrative office.

Rule 9.12 Conduct of Non-Judicial Personnel

No local rule.

Rule 9.13 Duties of Non-Judicial Personnel

No local rule.

RULE 10 - ATTORNEYS OF RECORD

Rule 10.10 Appearance of Counsel; Designation of Attorney in Charge

Rule 8 of the Rules of Civil Procedure shall govern who shall be the attorney in charge.

Rule 10.11 Conduct and Decorum of Counsel

- a. All lawyers shall dress in keeping with proper courtroom decorum, and all male lawyers shall wear coats and ties while in the attendance of the Court.
- b. While the court is in session all remarks of counsel shall be addressed to the Court and not to opposing counsel or the judge as an individual.
- c. In addressing the judges, lawyers shall at all times rise and remain standing to address the judge from their position at the counsel table, unless permission has been granted to approach the bench.
- d. Counsel shall remain seated at the counsel table while interrogating witnesses, except as may be necessary in handling or displaying exhibits or demonstrating evidence.
- e. Lawyers shall advise their clients and witnesses of proper courtroom decorum and seek their full cooperation therewith.

Rule 10.12 Attorney Withdrawal

In civil cases no attorney of record shall be permitted to withdraw from any case without presenting a motion and obtaining from the court an order granting leave to withdraw. Such motion shall be accompanied by the client's written consent to such withdrawal or a certificate by another lawyer that he has been employed to represent the client in the case, or a copy of such motion shall be mailed to the

client at his last known address, with a letter advising that the motion will be presented to the court on or after a certain hour, not less than ten (10) days after mailing the letter, and that any objection to such withdrawal should be made to the court in writing before such time, and a copy of such letter shall be attached to the motion. A copy of the motion shall be delivered or mailed to opposing counsel. Such leave may be denied where the motion is presented so near the trial date as to require delay of the trial. After leave is granted, the attorney shall notify the party of such action by certified mail.

Rule 10.13 Attorney Vacations

No local rule.

RULE 11 - ADMINISTRATIVE LAW CASES

Rule 11.10 Administrative Law Cases

No local rule.

RULE 12 - MISCELLANEOUS LOCAL RULES

Rule 12.10 Settlement Week

Settlement Weeks shall be scheduled for the weeks of the West Texas Judicial Conference and the Annual Judicial Conference as designated on the courts' calendar, so far as is practical; otherwise they will be scheduled by the local presiding judge.

Rule 12.11 Form for Submitting Court Costs

No local rule.

Rule 12.12 Form for Requesting Alternate Dispute Resolutions

No local rule.

Rule 12.13 Miscellaneous Local Rules

Any local rule or order heretofore jointly entered by the courts shall remain in full force and effect unless in conflict with these adopted rules.

Rule 12.14 Court Reporters/Timely Preparation of Records

- a. Each court shall comply with Chapter 52 of the Government Code in their appointment and compensation of their court reporter.
- b. Each court shall monitor the work load of the court reporter and require timely preparation of records within the capability of each reporter.

Rule 12.15 Judicial Budget Matters

- a. The district courts shall submit budgets to the commissioners court in a timely fashion for all departments within their jurisdiction.
- b. The county courts-at-law shall submit budgets to the commissioners court in a timely fashion for all departments within their jurisdiction.

Rule 12.16 County Auditor Matters

The district courts will comply with Chapter 84 of the Local Government Code in all county auditor matters.

Rule 12.17 County Purchasing Matters

The district courts and the county commissioners shall appoint the county purchasing agent as required by Section 262.011 of the Local Government Code.

Rule 12.18 Relationship With Other Governmental Bodies, The Public and The News Media

The board of judges shall at least once each year review their relationship with other governmental bodies, the public and the news media.

RULE 13

Rule 13.10 Procedure for Adoption and Amendment of Local Rules

Amendment of these local rules may be determined by the Board of Judges by majority vote at any Board of Judges' meeting upon three (3) days prior notice of presentation of amendments.

Rule 13.11 Adoption or Amendment by Local Administrative Judge

No local rule.

Rule 13.12 Notice and Publication of Rules

No local rule.

Rule 13.13 Interim Orders Affecting Local Practice

No local rule.

Rule 13.14 Local Practices Not Published in These Rules

No local rule.

CERTIFICATE OF APPROVAL

As presiding judge of the administrative judicial region covering the affected county, I approve the local rules of the Courts of Lubbock County as submitted.

~~Randy C. ...
Presiding Judge - Ninth Region
1-26-98~~



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

CLERK
JOHN T. ADAMS

JUSTICES
RAUL A. GONZALEZ
NATHAN L. HECHT
CRAIG T. ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
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EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

April 29, 1998

Hon. Cecil G. Puryear
Presiding Judge, Ninth Region
Post Office Box 10536
Lubbock, Texas 79408-3536

Dear Judge Puryear,

Please find enclosed, a copy of the order of the Supreme Court that approved local rules for the District and County Courts at Law of Lubbock County.

Sincerely,

SIGNED

John T. Adams
Clerk

Encl.

cc: Hon. Ray D. Anderson
9th Admin Judicial Rgn

District Clerk

County Clerk

Supreme Court Adv Committee

Mr. Jerry Benedict
Office of Court Admin

State Law Library