

ORDER OF THE SUPREME COURT OF TEXAS

Pursuant to Rule 3a of the Texas Rules of Civil Procedure, the Supreme Court hereby approves the following local rules, which have been hitherto approved by the presiding judge of the appropriate administrative judicial region and submitted to this Court:

Amendments to Local Rules of District and County Courts at Law of Gregg County, dated September 22, 1988.

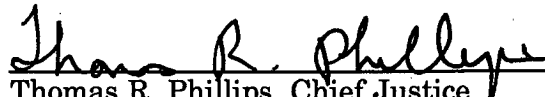
Local Rules of the 71st Judicial District (Harrison County), dated January 1, 1989.

Local Rules of the Fourth District Court and County Court at Law of Rusk County, dated January 27, 1989.

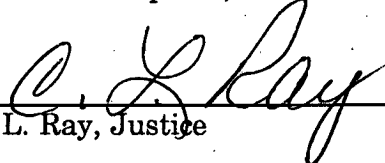
Revisions of Rules 1.11, 1.20, 3.26, 10.12, and 13.10 of the Local Rules of the 4th Judicial District and the County Court at Law of Rusk County, dated September 7, 1990.

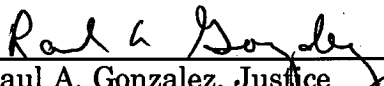
The approval of these rules is temporary, pending further orders of the Court.

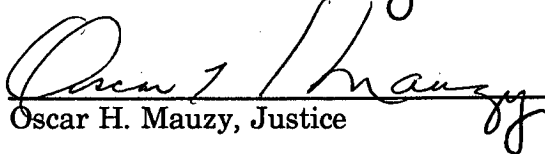
En banc, in chambers, this the 3rd day of October, 1990.

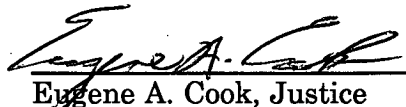

Thomas R. Phillips, Chief Justice


Franklin S. Spears, Justice

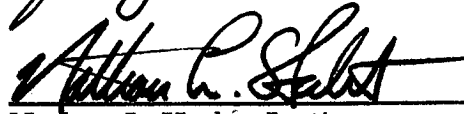

C. L. Ray, Justice

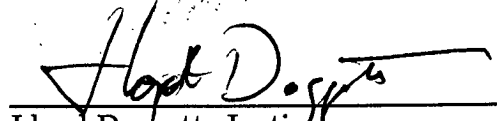

Raul A. Gonzalez, Justice


Oscar H. Mauzy, Justice


Eugene A. Cook, Justice


Jack Hightower, Justice


Nathan L. Hecht, Justice


Lloyd Doggett, Justice



RECEIVED
SEP 12 1990
OFFICE OF COURT
ADMINISTRATION

First Administrative Judicial Region

PAT McDOWELL
Presiding Judge

600 Commerce Street, Rm. 612
Dallas, Texas 75202

Administrative Assistant
SANDY HUGHES

September 10, 1990

Telephone
(214) 653-7505
(214) 653-5942
Fax (214) 653-6167

Honorable C. Raymond Judice
Administrative Director
Office of Court Administration
P. O. Box 12066
Austin, TX 78711-2066

Dear Ray:

Enclosed are the Local Rules from the District and County Courts at Law of Gregg County, the 71st Judicial District of Harrison County, the District and County Courts at Law of Rusk County, and the revision of Rule 1.11 of the Local Rules of the 4th Judicial District and County Courts at Law of Rusk County which I have now approved.

If I can be of further assistance - please call.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to be "P. McDowell".

PAT McDOWELL
First A. J. R.

PM/sh

Encls.



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

P.O. BOX 12248 CAPITOL STATION
AUSTIN, TEXAS 78711
(512) 463-1312

CLERK
JOHN T. ADAMS

JUSTICES
FRANKLIN S. SPEARS
C. L. RAY
RAUL A. GONZALEZ
OSCAR H. MAUZY
EUGENE A. COOK
JACK HIGHTOWER
NATHAN L. HECHT
LLOYD DOGGETT

EXECUTIVE ASS'T.
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.
MARY ANN DEFIBAUGH

September 20, 1990

Mr. Ray Judice
Office of Court Administration
Texas Law Center
Austin, TX 78701

Dear Ray:

I am forwarding several revisions of the Local Rules of the Fourth District Court and the County Court-at-Law, Rusk County.

I would appreciate your checking into the matter mentioned in Judge Ross' letter and reporting back to me as soon as possible.

Sincerely,

Nathan L. Hecht
Justice

NLH:sm

Encl.



STATE OF TEXAS
OFFICE OF COURT ADMINISTRATION

1414 COLORADO STREET, SUITE 602

Post Office Box 12066
Austin, Texas 78711-2066
512/463-1625

C. Raymond Judice
Administrative Director

Jim Hutcheson
General Counsel

September 13, 1990

Honorable Pat McDowell
Presiding Judge
First Administrative Judicial Region
600 Commerce Street, Room 612
Dallas, Texas 75202

RE: Revision of Rules 1.11, 1.20, 3.26, 10.12 and 13.10 of the Local Rules for the Fourth District Court and the County Court at Law of Rusk County, dated September 7, 1990.

Dear Judge McDowell:

The Supreme Court has received the above-referenced local rules, a copy of which is enclosed. There is no indication that the amendment has received your approval as required by the Supreme Court.

The Court has asked me to determine whether you have approved them.

For your convenience we have enclosed a Certificate of Approval. Upon receipt of your action, the amended rule will be submitted to the Supreme Court for temporary approval until such time as the uniform local model rules, which are now under study, are adopted.

Sincerely,

A handwritten signature in cursive script, appearing to read "C. Raymond Judice".

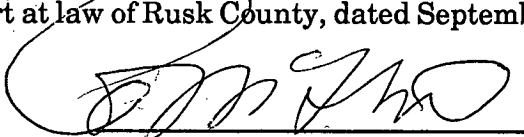
C. Raymond Judice
Administrative Director

Enclosure

cc: Hon. Donald R. Ross
Hon. Nathan Hecht

CERTIFICATE OF APPROVAL

As presiding judge of the administrative judicial region covering the affected counties, I approve the Revisions of Rules 1.11, 1.20, 3.26, 10.12 and 13.10 of the Local Rules for the Fourth District Court and the County Court at law of Rusk County, dated September 7, 1990.

A handwritten signature in black ink, appearing to be "D. J. ...", written over a horizontal line.

(Signature)

9/17/90

(Date)

Official Court Reporter
MRS. LINDA CARROLL

Secretary
MS. REBECCA PINEDA



JUDGE DONALD R. ROSS

FOURTH DISTRICT COURT
RUSK COUNTY COURTHOUSE

HENDERSON, TEXAS 75652

RECEIVED
SEP 12 1990

OFFICE OF COURT
ADMINISTRATION

Office Phone
214-657-4591
214-657-4592

September 7, 1990

Hon. Nathan Hecht
Supreme Court of Texas
Supreme Court Building
P.O. Box 12248
Austin, TX 78711-2248

Dear Judge Hecht:

Enclosed is a revision of Rules 1.11, 1.20, 3.26, 10.12 and 13.10 of the Local Rules for the Fourth District Court and the County Court-at-Law, Rusk County, Texas. Please substitute these revisions for their corresponding rules dated January 27, 1989.

I would also appreciate being advised when our local rules have been approved. Since their submission eighteen months ago, I have not received any information about their approval. This is my third request for approval.

Your attention to this matter is sincerely appreciated.

Very truly yours,

A handwritten signature in cursive script that reads "Donald R. Ross".

Donald R. Ross

DRR:rp

Enclosure

cc: Honorable Pat McDowell
Presiding Judge
600 Commerce Street, Rm. 612
Dallas, TX 75202

Mr. C. Raymond Judice
Administrative Director
Office of Court Administration
State of Texas
P.O. Box 12066
Austin, TX 78711-2066

Page 2
September 7, 1990

Mr. Luther H. Soules III
Attorney at Law
Tenth Floor
Republic of Texas Plaza
175 East Houston Street
San Antonio, TX 78705-2230

2. Adjudicatory or Transfer (Waiver) Hearings:
 - a. Concerning a juvenile in a detention facility: Not later than 10 days following admission to such a facility, except for good cause shown of record.
 - b. 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.
3. Disposition Hearings: Not later than 15 days following the adjudicatory hearing. The Court may grant additional time in exceptional cases that require more complex evaluation.
4. Nothing herein shall prevent a judge from recessing a juvenile hearing at any state of the proceeding 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.

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

RULE 1.11 COURT SESSIONS

I. District Court

A schedule of court sessions for each calendar year shall be posted in the offices of the District Judge and the District Clerk during the term of court immediately preceding such calendar year. Copies of such schedule may be obtained from either of said offices.

II. County Court-at-Law

A schedule of court sessions for each calendar year shall be posted in the offices of the County Court-at-Law Judge, District Clerk and County Clerk during the two months immediately preceding such calendar year. Copies of such schedule may be obtained from any of said offices.

RULE 1.19 RESETTING CASES

Once a case has been placed on the active jury docket in accordance with Rule 1.15 herein, such case is automatically set for trial from term to term until disposition and shall not be removed from such docket except for no announcements at docket call and except by Order of the Court on the motion of a party, for good cause, after notice and hearing, or on the Court's own motion, with or without hearing.

RULE 1.20 DISMISSAL DOCKET: INVOLUNTARY DISMISSAL

- I. **District Court:** Periodically, but at least once each year, all civil cases in which no action has been taken by a party seeking affirmative relief within a period of eighteen months will be placed on a dismissal docket in accordance with Rule 165a, T.R.C.P.
- II. **County Court-at-Law:** Periodically, but at least once each year, all civil cases which have not been disposed of within the time standard under Rule 1.10 herein, or which have been pending for longer than one year without action, or which no announcement has been made at a docket call will be placed on a dismissal docket in accordance with Rule 165a, T.R.C.P.

RULE 1.21 SUSPENSE DOCKET

If a case has been stayed because it relates to a bankruptcy proceeding, such case is to be transferred to a "Suspense Docket" for suspension of further action.

RULE 2.10 INFORMATION TO LOCAL ADMINISTRATIVE JUDGE

No local rule under this subdivision.

RULE 3.22 DISCOVERY MOTIONS (CIVIL CASES)

- I. Motions relating to discovery may be heard in advance of the pre-trial if, when filed, they are accompanied by an Order Setting Hearing to be completed by the Court. Otherwise, all such motions must be urged at the pre-trial, or they will be deemed waived.
- II. It is the responsibility of the moving party to give notice of such settings to all other parties or their counsel of record.

RULE 3.23 SETTLEMENTS

No local rule under this subdivision.

RULE 3.24 CONFLICTING ENGAGEMENTS OF COUNSEL

No local rule under this subdivision.

RULE 3.25 WITNESSES/EXHIBITS

No local rule under this subdivision.

RULE 3.26 JURY VOIR DIRE/VENIRE

I. District Court

- A. Juries for all cases set and ready for trial during a given week will be selected on the day designated for jury selection for that week in accordance with the schedules under Rule 1.11.
- B. Prior to voir dire examination, counsel will be provided a copy of the completed jury panel personal data questionnaire of each panel member.

II. County Court-at-Law

- A. Juries for all cases set and ready for trial during a given week will be selected on the day designated for jury selection for that week in accordance with the schedules under Rule 1.11.
- B. Juries will be selected on that day for one week only and for as many cases as time permits to be tried during that week.
- C. Prior to voir dire examination by counsel, all parties will be provided a copy of the completed jury panel questionnaire of each panel member.

RULE 3.27 JURY CHARGES

- I. Requested definitions, instructions and questions should be furnished to the Court before or at the commencement of trial but may be furnished any time before the closing of the evidence, unless otherwise ordered by the Court.
- II. Copies of requested definitions, instructions and questions need not be furnished to opposing counsel until the closing of all the evidence, unless otherwise ordered by the Court.
- III. General or "boiler plate" instructions need not be submitted by counsel.

RULE 4.10 FAMILY LAW CASES

- I. The Ancillary Docket.
 - A. The Ancillary Docket shall consist ONLY of matters subject to the entry of temporary orders, contempt motions, applications for writ of habeas corpus, motions to transfer and those motions governed by and arising from the Texas Rules of Civil Procedure. After entry of a FINAL judgment, any motions to modify filed under the provisions of Section 14.08 of the Texas Family Code shall be set on the Contested Docket unless the Court, in its discretion based upon affidavit or verified pleadings setting out supportive

RULE 10.12 ATTORNEY WITHDRAWAL

No local rule under this subdivision.

RULE 10.13 CONDUCT/DECORUM OF COUNSEL

- I. All persons entering the courtroom shall dress and conduct themselves in keeping with proper courtroom decorum.
- II. No smoking or other use of tobacco products shall be permitted in the courtroom.
- III. No bottles, cans, cups or other beverage containers shall be allowed in the courtroom except for the water pitchers and cups furnished by the court.
- IV. No edibles shall be allowed in the courtroom.
- V. No chewing gum shall be used by a witness while testifying or by an attorney while interrogating a witness or addressing the judge or jury.
- VI. In addressing the Court, counsel shall at all times rise and remain standing and address the Court from their position at counsel table.
- VII. Counsel shall remain seated at counsel table while interrogating a witness except when handling exhibits or other demonstrative evidence and except when necessary to approach a friendly or neutral witness. Leave of court must be obtained to approach an adverse or hostile witness.
- VIII. The party with the burden of proof shall use the counsel table nearest the jury box or as directed by the Court.
- IX. Jurors shall not be permitted to take notes during a trial.
- X. Attorneys should advise their clients and witnesses of the local Rules of Decorum that may be applicable.

RULE 13.10 MISCELLANEOUS

Filing record of court costs to be adjudicated in the judgment:

All records of costs, INCLUDING FEES OF THE COURT REPORTER FOR THE ORIGINAL OF STENOGRAPHIC TRANSCRIPTS, must be filed with the Clerk before or at the time of the signing of the judgment if such judgment provides for the adjudication of those costs.



STATE OF TEXAS
OFFICE OF COURT ADMINISTRATION

1414 COLORADO STREET, SUITE 602

Post Office Box 12066
Austin, Texas 78711-2066
512/463-1625

C. Raymond Judice
Administrative Director

Jim Hutcheson
General Counsel

December 11, 1989

Honorable Ron Chapman
Presiding Judge
First Administrative Judicial Region
Dallas County Government Center
Dallas, Texas 75202

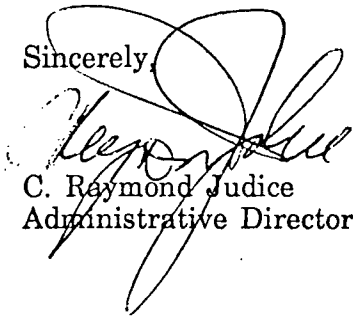
RE: Revision of Rule 1.11 of the Local Rules of the 4th Judicial District and the County Court at Law of Rusk County, dated November 1, 1989

Dear Judge Chapman:

The Supreme Court has received the above-referenced amended local rule, a copy of which is enclosed. There is no indication that this rule has received your approval.

So that the amended rule can be considered by the Supreme Court, please indicate whether you have approved it. For your convenience we have enclosed a Certificate of Approval. Upon receipt of your action, the rule will be submitted to the Supreme Court for temporary approval until such time as the uniform local model rules, which are now under study, are adopted.

Sincerely,


C. Raymond Judice
Administrative Director

Enclosure

cc: Hon. Donald R. Ross
Hon. Nathan Hecht

office/pjs/rule1.11.22



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

P.O. BOX 12248 CAPITOL STATION
AUSTIN, TEXAS 78711
(512) 465-1312

CLERK
JOHN T. ADAMS

JUSTICES
FRANKLIN S. SPEARS
C. L. RAY
RAUL A. GONZALEZ
OSCAR H. MAUZY
EUGENE A. COOK
JACK HIGHTOWER
NATHAN L. HECHT
LLOYD DOGGETT

EXECUTIVE ASST.
WILLIAM L. WILLIS

ADMINISTRATIVE ASST.
MARY ANN DEFIKAUGH

December 7, 1989

INTERAGENCY MAIL

Mr. Ray Judice
Office of Court Administration
Texas Law Center
Austin, Texas 78701

Dear Ray:

I am forwarding for your consideration the following local rules:

- 1.. Amendment to the Local Rules of the County Courts at Law of Travis County.
2. Revision of Rule 1.11 of the Local Rules for the Fourth District Court and the County Court-at-Law, Rusk County.

Sincerely,

Nathan L. Hecht
Justice

NLH:sm

Encl.

Official Court Reporter
MRS. LINDA CARROLL

Secretary
MRS. KATHRYN BELL



Office Phone
214-657-4591
214-657-4592

DONALD R. ROSS

DISTRICT JUDGE

4TH JUDICIAL DISTRICT

HENDERSON, TEXAS 75652

November 1, 1989

Hon. Nathan Hecht
Supreme Court of Texas
Supreme Court Building
P.O. Box 12248
Austin, TX 78711-2248

Dear Judge Hecht:

Enclosed is a revision of Rule 1.11 of the Local Rules for the Fourth District Court and the County Court-at-Law, Rusk County, Texas. Please substitute this revision for the Rule 1.11 that was submitted last February.

I would also appreciate being advised when our local rules have been approved. Since their submission nine months ago, I have not received any information about their approval.

Your attention to this matter is sincerely appreciated.

Very truly yours,

A handwritten signature in cursive script that reads "Donald R. Ross".

Donald R. Ross
District Judge

DRR:rp

Enclosure

cc: Honorable Ron Chapman
Presiding Judge
First Administrative Judicial Region
Dallas County Government Center
Dallas, TX 75202

Mr. C. Raymond Judice
Administrative Director
Office of Court Administration
State of Texas
P.O. Box 12066
Austin, TX 78711-2066

Page 2
November 1, 1989

Mr. Luther H. Soules III
Attorney at Law
Tenth Floor
Republic of Texas Plaza
175 East Houston Street
San Antonio, TX 78705-2230

RULE 1.11 COURT SESSIONS

I. District Court

A schedule of court sessions for each calendar year shall be posted in the offices of the District Judge and the District Clerk during the term of court immediately preceding such calendar year. Copies of such schedule may be obtained from either of said offices.

II. County Court-at-Law

A schedule of court sessions for each calendar year shall be posted in the offices of the County Court-at-Law Judge, District Clerk and County Clerk during the two months immediately preceding such calendar year. Copies of such schedule may be obtained from any of said offices.



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

P.O. BOX 12248 CAPITOL STATION
AUSTIN, TEXAS 78711

CLERK
MARY M. WAKEFIELD

JUSTICES
FRANKLIN S. SPEARS
C. L. RAY
RAUL A. GONZALEZ
OSCAR H. MAUZY
EUGENE A. COOK
JACK HIGHTOWER
NATHAN L. HECHT
LLOYD DOGGETT

February 14, 1989

EXECUTIVE ASS'T.
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.
MARY ANN DEFIBAUGH

INTERAGENCY MAIL

Mr. Ray Judice
Office of Court Administration
Texas Law Center
Austin, Texas 78701

Dear Ray:

Enclosed please find local rules of the following counties for your consideration:

1. Blanco, Burnet, Llano, Mason, San Saba;
2. Milam;
3. Falls;
4. Navarro;
5. Bosque, Comanche, Hamilton;
6. the District Courts of Travis County.

The rules you received last week are as follows:

1. Harris County: Family Law, Juvenile, Civil and Criminal;
2. 235th District Court of Cook County;
3. Regional Rules of the 9th Administrative Region;
4. Local Administrative Rules of Lubbock County;
5. 71st District Court of Harrison County;
6. 4th District Court and County Court-at-Law of Rusk County;
7. 97th District Court of Archer, Clay, and Montague Counties.

Sincerely,

Nathan L. Hecht
Justice

NLH:sm

Encl.

Official Court Reporter
MRS. LINDA CARROLL
Secretary
MRS. KATHRYN BELL



DONALD R. ROSS
DISTRICT JUDGE
4TH JUDICIAL DISTRICT
HENDERSON, TEXAS 75652

February 1, 1989

RECEIVED
FEB 13 1989
OFFICE OF COURT
ADMINISTRATION

Office Phone
214-657-4591
214-657-4592

Mr. Luther H. Soules III
Attorney at Law
Tenth Floor
Republic of Texas Plaza
175 East Houston Street
San Antonio, TX 78205-2230

Dear Mr. Soules:

Enclosed is an original of the Local Rules for the Fourth District Court and the County Court-at-Law of Rusk County, Texas promulgated in accordance with the statewide uniform arrangement. I respectfully request that these be included in the statewide pattern local rules.

Attached to your letter sent to "Local Administrative Judge" and dated January 3, 1989, was a reminder that no local rules had been submitted by my county as of the date. I sincerely regret this failure on my part. Although not offered as an excuse, I do not recall receiving any earlier reminder letter from you or being told that the end of 1988 was a definite deadline for submitting local rules. For these reasons, I sincerely hope that it is not too late to get the enclosed rules included in the process.

Thank you very much.

Very truly yours,

A handwritten signature in cursive script that reads "Donald R. Ross".

Donald R. Ross
District Judge

DRR:rp

Enclosure

Mr. Luther H. Soules III
Page 2
February 1, 1989

cc: Justice of Supreme Court of Texas
Attn: Mr. Nathan Hecht
Supreme Court Bldg.
P.O. Box 12248
Austin, TX 78711-2248

Hon. Ron Chapman
First Administrative Judicial Region
376 Dallas County Courthouse
Dallas, TX 75202

LOCAL RULES FOR THE FOURTH DISTRICT COURT
AND THE COUNTY COURT-AT-LAW
RUSK COUNTY, TEXAS

RULE 1.10 TIME STANDARDS FOR CASE PROCESSING

I. As far as reasonably possible, all cases should be brought to trial or final disposition in conformity with the time standards below.

A. Criminal cases.

1. One hundred eighty (180) days if the defendant is accused of a felony.
2. Ninety (90) days if the defendant is accused of a misdemeanor punishable by a sentence of imprisonment for more than 180 days.
3. Sixty (60) days if the defendant is accused of a misdemeanor punishable by a sentence of imprisonment for 180 days or less or punishable by a fine only.

B. Civil cases (other than Family Law cases).

1. Jury: Within 18 months from appearance date.
2. Nonjury: Within 12 months from appearance date.

C. Family Law cases.

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

D. Juvenile cases.

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

1. Detention Hearings: On the next business day following admission to any detention facility.

2. Adjudicatory or Transfer (Waiver) Hearings:
 - a. Concerning a juvenile in a detention facility: Not later than 10 days following admission to such a facility, except for good cause shown of record.
 - b. 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.
3. Disposition Hearings: Not later than 15 days following the adjudicatory hearing. The Court may grant additional time in exceptional cases that require more complex evaluation.
4. Nothing herein shall prevent a judge from recessing a juvenile hearing at any state of the proceeding 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.

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

RULE 1.11 COURT SESSIONS

I. District Court

A. Criminal cases.

1. Jury (for the year 1989).

a. The "A" docket:

Arraignment & Docket Call

Monday, January 16 at 9:00 a.m.

Deadline to file pre-trial motions

Friday, January 27 at 5:00 p.m.

Pre-trial

Tuesday, February 7 at 9:00 a.m.

Jury Selection

Friday, February 10 at 9:00 a.m.

Jury Trials

Monday-Friday, February 13-17

Arraignment & Docket Call

Thursday, March 16 at 9:00 a.m.

Deadline to file pre-trial motions

Friday, March 31 at 5:00 p.m.

Pre-trial

Tuesday, April 11 at 9:00 a.m.

Jury Selection

Friday, April 14 at 9:00 a.m.

Jury Trials

Monday-Friday, April 17-21

Arraignment & Docket Call

Monday, May 15 at 9:00 a.m.

Deadline to file pre-trial motions

Friday, May 26 at 5:00 p.m.

Pre-trial

Tuesday, June 6 at 9:00 a.m.

Jury Selection

Friday, June 9 at 9:00 a.m.

Jury Trials

Monday-Friday, June 12-16

Arraignment & Docket Call

Monday, July 17 at 9:00 a.m.

Deadline to file pre-trial motions

Friday, July 28 at 5:00 p.m.

Pre-trial

Tuesday, August 8 at 9:00 a.m.

Jury Selection

Friday, August 11 at 9:00 a.m.

Jury Trials

Monday-Friday, August 14-18

Arraignment & Docket Call

Monday, September 18 at 9:00 a.m.

Deadline to file pre-trial motions

Friday, September 29 at 5:00 p.m.

Pre-trial

Tuesday, October 10 at 9:00 a.m.

Jury Selection

Friday, October 13 at 9:00 a.m.

Jury Trials

Monday-Friday, October 16-20

Arraignment & Docket Call

Monday, November 20 at 9:00 a.m.
Deadline to file pre-trial motions
Thursday, November 30 at 5:00 p.m.
Pre-trial
Friday, December 8 at 9:00 a.m.
Jury Selection
Monday, December 11 at 9:00 a.m.
Jury Trials
Tuesday-Friday, December 12-15

b. The "B" docket:

Docket Call

Monday, December 27 (1988) at 1:30 p.m.
Deadline to file pre-trial motions
Friday, January 6 at 5:00 p.m.
Pre-trial
Tuesday, January 17 at 9:00 a.m.
Jury Selection
Friday, January 20 at 9:00 a.m.
Jury Trials
Monday-Friday, January 23-27

Docket Call

Tuesday, February 21 at 9:00 a.m.
Deadline to file pre-trial motions
Friday, March 3 at 5:00 p.m.
Pre-trial
Tuesday, March 14 at 9:00 a.m.
Jury Selection
Friday, March 17 at 9:00 a.m.
Jury Trials
Monday-Thursday, March 20-23

Docket Call

Tuesday, April 25 at 9:00 a.m.
Deadline to file pre-trial motions
Friday, May 5 at 5:00 p.m.
Pre-trial
Tuesday, May 16 at 9:00 a.m.
Jury Selection
Friday, May 19 at 9:00 a.m.
Jury Trials
Monday-Friday, May 22-26

Docket Call

Tuesday, June 20 at 9:00 a.m.
Deadline to file pre-trial motions
Friday, July 7 at 5:00 p.m.

Pre-trial

Tuesday, July 18 at 9:00 a.m.
Jury Selection
Friday, July 21 at 9:00 a.m.
Jury Trials
Monday-Friday, July 24-28

Docket Call

Tuesday, August 22 at 9:00 a.m.
Deadline to file pre-trial motions
Friday, September 8 at 5:00 p.m.

Pre-trial

Tuesday, September 19 at 9:00 a.m.
Jury Selection
Monday, September 25 at 9:00 a.m.
Jury Trials
Tuesday-Friday, September 26-29

Docket Call

Tuesday, October 24 at 9:00 a.m.
Deadline to file pre-trial motions
Friday, November 3 at 5:00 p.m.

Pre-trial

Tuesday, November 21 at 9:00 a.m.
Jury Selection
Monday, November 27 at 9:00 a.m.
Jury Trials
Tuesday-Friday, November 28-December 1

Docket Call

Wednesday, December 27 at 1:30 p.m.

2. Nonjury: As scheduled by the District Judge's secretary.
3. Grand Jury.
 - a. A Grand Jury Commission shall be qualified and impaneled during the year 1989 at 8:30 a.m. on the following dates:

February 8, April 12, June 7, August 9,
October 11 and December 6.

- b. A Grand Jury shall be qualified and impaneled at 8:30 a.m. on the first working day of each term of court. The terms of the District Court begin on the first Mondays in January, March, May, July, September and November.

B. Civil cases.

1. Jury (for the year 1989).

a. The "A" docket:

Docket Call & Pre-trial
Tuesday, December 27 (1988) at 9:00 a.m.
Jury Selection
Friday, January 6 at 9:00 a.m.
Jury Trials
Monday-Friday, January 9-13

Docket Call & Pre-trial
Wednesday, February 22 at 9:00 a.m.
Jury Selection
Monday, March 6 at 9:00 a.m.
Jury Trials
Tuesday-Friday, March 7-10

Docket Call & Pre-trial
Thursday, April 13 at 9:00 a.m.
Jury Selection
Friday, April 28 at 9:00 a.m.
Jury Trials
Monday-Friday, May 1-5

Docket Call & Pre-trial
Thursday, June 22 at 9:00 a.m.
Jury Selection
Friday, July 7 at 9:00 a.m.
Jury Trials
Monday-Friday, July 10-14

Docket Call & Pre-trial
Thursday, August 24 at 9:00 a.m.
Jury Selection
Friday, September 8 at 9:00 a.m.
Jury Trials
Monday-Friday, September 11-15

Docket Call & Pre-trial
Thursday, October 26 at 9:00 a.m.
Jury Selection
Thursday, November 9 at 9:00 a.m.
Jury Trials
Monday-Friday, November 13-17

Docket Call & Pre-trial
Wednesday, December 27 at 9:00 a.m.
Jury Selection
Friday, January 5 (1990) at 9:00 a.m.

b. The "B" docket:

Docket Call & Pre-trial
Wednesday, January 18 at 9:00 a.m.
Jury Selection
Monday, January 30 at 9:00 a.m.
Jury Trials
Tuesday-Friday, January 31-February 3

Docket Call & Pre-trial
Wednesday, March 15 at 9:00 a.m.
Jury Selection
Tuesday, March 28 at 9:00 a.m.
Jury Trials
Monday-Friday, April 3-7

Docket Call & Pre-trial
Thursday, June 8 at 9:00 a.m.
Jury Selection
Friday, June 23 at 9:00 a.m.
Jury Trials
Monday-Friday, June 26-30

Docket Call & Pre-trial
Thursday, July 20 at 9:00 a.m.
Jury Selection
Monday, July 31 at 9:00 a.m.
Jury Trials
Tuesday-Friday, August 1-4

Docket Call & Pre-trial
Monday, September 18 at 1:30 p.m.
Jury Selection
Monday, October 2 at 9:00 a.m.
Jury Trials
Tuesday-Friday, October 3-6

Docket Call & Pre-trial
Tuesday, December 5 at 9:00 a.m.
Jury Selection
Monday, December 18 at 9:00 a.m.
Jury Trials
Tuesday-Friday, December 19-22

c. The "C" docket:

Docket Call & Pre-trial
Thursday, February 9 at 9:00 a.m.
Jury Selection
Thursday, February 23 at 9:00 a.m.
Jury Trials
Monday-Friday, February 27-March 3

Docket Call & Pre-trial
Thursday, August 10 at 9:00 a.m.
Jury Selection
Friday, August 25 at 9:00 a.m.
Jury Trials
Monday-Friday, August 28-September 1

Docket Call & Pre-trial
Thursday, October 12 at 9:00 a.m.
Jury Selection
Friday, October 27 at 9:00 a.m.
Jury Trials
Monday-Friday, October 30-November 3

2. Nonjury: As scheduled by the District Judge's secretary.

II. County Court-at-Law

A. Criminal cases.

1. Jury (for the year 1989).

Arraignment, Docket Call & Pre-trial
Thursday, January 12 at 1:30 p.m.
Jury Selection
Monday, January 30 at 9:00 a.m.
Jury trials
Tuesday-Friday, January 31-February 3

Arraignment, Docket Call & Pre-trial
Thursday, February 9 at 1:30 p.m.
Jury Selection
Thursday, February 23 at 9:00 a.m.
Jury trials
Monday-Friday, February 27-March 3

Arraignment, Docket Call & Pre-trial
Thursday, March 16 at 1:30 p.m.
Jury Selection
Tuesday, March 28 at 9:00 a.m.
Jury trials
Monday-Friday, April 3-7

Arraignment, Docket Call & Pre-trial
Thursday, April 13 at 1:30 p.m.
Jury Selection
Friday, April 28 at 9:00 a.m.
Jury trials
Monday-Friday, May 1-5

Arraignment, Docket Call & Pre-trial
Thursday, May 18 at 1:30 p.m.

Arraignment, Docket Call & Pre-trial
Thursday, June 15 at 1:30 p.m.
Jury Selection
Friday, June 23 at 9:00 a.m.
Jury trials
Monday-Friday, June 26-30

Arraignment, Docket Call & Pre-trial
Thursday, July 13 at 1:30 p.m.
Jury Selection
Monday, July 31 at 9:00 a.m.
Jury trials
Tuesday-Friday, August 1-4

Arraignment, Docket Call & Pre-trial
Thursday, August 10 at 1:30 p.m.
Jury Selection
Friday, August 25 at 9:00 a.m.
Jury trials
Monday-Friday, August 28-September 1

Arraignment, Docket Call & Pre-trial
Thursday, September 7 at 1:30 p.m.
Jury Selection
Monday, October 2 at 9:00 a.m.
Jury trials
Tuesday-Friday, October 3-6

Arraignment, Docket Call & Pre-trial
Thursday, October 12 at 1:30 p.m.
Jury Selection
Friday, October 27 at 9:00 a.m.
Jury trials
Monday-Friday, October 30-November 3

Arraignment, Docket Call & Pre-trial
Thursday, November 2 at 1:30 p.m.
Jury Selection
Thursday, November 9 at 9:00 a.m.
Jury trials
Monday-Friday, November 13-17

Arraignment, Docket Call & Pre-trial
Thursday, December 7 at 1:30 p.m.
Jury Selection
Monday, December 18 at 9:00 a.m.
Jury trials
Tuesday-Friday, December 19-22

2. Nonjury: As scheduled by the County Court-at-Law Judge's secretary.

B. Civil cases.

1. Jury (for the year 1989).

Docket Call & Pre-trial
Wednesday, January 18 at 1:30 p.m.
Jury Selection
Monday, January 30 at 9:00 a.m.
Jury trials
Tuesday-Friday, January 31-February 3

Docket Call & Pre-trial
Wednesday, February 22 at 1:30 p.m.
Jury Selection
Thursday, February 23 at 9:00 a.m.
Jury trials
Monday-Friday, February 27-March 3

Docket Call & Pre-trial
Wednesday, March 22 at 1:30 p.m.
Jury Selection
Tuesday, March 28 at 9:00 a.m.
Jury trials
Monday-Friday, April 3-7

Docket Call & Pre-trial
Wednesday, April 19 at 1:30 p.m.
Jury Selection
Friday, April 28 at 9:00 a.m.
Jury trials
Monday-Friday, May 1-5

Docket Call & Pre-trial
Wednesday, May 24 at 1:30 p.m.

Docket Call & Pre-trial
Wednesday, June 21 at 1:30 p.m.
Jury Selection
Friday, June 23 at 9:00 a.m.
Jury trials
Monday-Friday, June 26-30

Docket Call & Pre-trial
Wednesday, July 19 at 1:30 p.m.
Jury Selection
Monday, July 31 at 9:00 a.m.
Jury trials
Tuesday-Friday, August 1-4

Docket Call & Pre-trial
Wednesday, August 9 at 1:30 p.m.
Jury Selection
Friday, August 25 at 9:00 a.m.
Jury trials
Monday-Friday, August 28-September 1

Docket Call & Pre-trial
Wednesday, September 13 at 1:30 p.m.
Jury Selection
Monday, October 2 at 9:00 a.m.
Jury trials
Tuesday-Friday, October 3-6

Docket Call & Pre-trial
Wednesday, October 18 at 1:30 p.m.
Jury Selection
Friday, October 27 at 9:00 a.m.
Jury trials
Monday-Friday, October 30-November 3

Docket Call & Pre-trial
Wednesday, November 15 at 1:30 p.m.

Docket Call & Pre-trial
Wednesday, December 13 at 1:30 p.m.
Jury Selection
Monday, December 18 at 9:00 a.m.
Jury trials
Tuesday-Friday, December 19-22

2. Non-jury: Non-jury docket call and pre-trial will be held at the same time as the civil jury docket call.
 - a. Contested non-jury cases will set by the Court at the docket call for times as soon as practical.
 - b. Uncontested cases may be scheduled by the County Court-at-Law Judge's secretary.

RULE 1.12 FILING AND ASSIGNMENT OF CASES

The concurrent jurisdiction prescribed by V.T.C.A., Government Code Section 25.2032(a)(2) is apportioned as follows:

- I. To the **District Court**: All civil cases in which the matter in controversy exceeds \$500 excluding interest.
- II. To the **County Court-at-Law**: All family law cases and proceedings.

RULE 1.13 TRANSFER OF CASES/DOCKET EXCHANGE/BENCH EXCHANGE

- I. A case over which the **District Court** and the **County Court-at-Law** have concurrent jurisdiction may be transferred from one court to the other 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.
- II. Docket exchange and bench exchange shall be in accordance with V.T.C.A., Government Code Section 74.094.

RULE 1.14 REQUEST FOR SETTINGS - NON-JURY CASES

I. District Court

A. Criminal cases.

1. Requests may be made orally or in writing to the District Judge's secretary.
2. It is the responsibility of the requesting party to give notice of the setting to the other side.

B. Civil cases.

1. Contested.

- a. Requests must be made in writing to the District Judge's secretary, with a copy served on all parties to the cause or their counsel of record.
- b. Each request must contain an estimated time required for trial.
- c. It is the responsibility of the requesting party to give notice of the setting to all other parties or their counsel of record.

2. Uncontested.

- a. Requests may be made orally or in writing to the District Judge's secretary.
- b. It is the responsibility of the requesting party to give notice of the setting to all other parties or their counsel of record.

II. County Court-at-Law

A. Criminal cases.

1. Requests may be made orally or in writing to the County Court-at-Law Judge's secretary.
2. It is the responsibility of the requesting party to give notice of the setting to the other side.

B. Family Law Cases and Proceedings - Requests for settings will not be necessary. The Court will set all such cases automatically.

C. Other civil cases.

1. Contested.

- a. Requests must be made in writing to the County Court-at-Law Judge's secretary, with a copy served on all parties to the cause or their counsel of record.
- b. Each request must contain an estimated time required for trial.
- c. It is the responsibility of the requesting party to give notice of the setting to all other parties or their counsel of record.

2. Uncontested.

- a. Requests may be made orally or in writing to the County Court-at-Law Judge's secretary.
- b. It is the responsibility of the requesting party to give notice of the setting to all other parties or their counsel of record.

RULE 1.15 REQUEST FOR SETTINGS - JURY CASES

I. District Court

A. Criminal cases.

1. Set by the County Attorney's Office in accordance with the schedules prescribed under Rule 1.11 herein without the necessity of a formal request.
2. Requests to the Court for settings may also be made by the defendant in writing filed with the District Clerk's office.
3. Notice of all settings by the County Attorney's Office shall be given by said office to the defendant or his sureties and the defendant's attorney of record, with a copy of such notice filed in the District Clerk's office.
4. Notice to the State of all settings by the Court on request of the defendant shall be given by the requesting defendant.

B. Civil cases.

1. Requests must be made in writing to the District Judge's secretary, with a copy served on all parties to the cause or their counsel of record.
2. Each request must contain an estimated time for trial.
3. Upon receipt of an initial request for setting, the District Judge's secretary shall set the case on a docket designated "A", "B" or "C", in accordance with the schedules prescribed under Rule 1.11 herein.
4. Notice of such settings shall be given under the direction of the Court to all parties to the cause or their counsel of record.

II. County Court-at-Law

A. Criminal cases.

1. Set by the County Attorney's Office in accordance with the schedule prescribed under Rule 1.11 herein without the necessity of a formal request.
2. Requests to the Court for settings may also be made by the defendant in writing filed with the County Clerk's Office.
3. Notice of all settings by the County Attorney's Office shall be given by said office to the defendant or his sureties and the defendant's attorney of record, with a copy of such notice filed in the County Clerk's Office.
4. Notice to the State of all settings by the Court on request of the defendant shall be given by the requesting defendant.

B. Family Law Cases and Proceedings - Requests for settings will not be necessary. The Court will set all cases automatically.

C. Other Civil Cases.

1. Requests must be made in writing to the County Court-at-Law Judge's secretary, with a copy served on all parties to the cause or their counsel of record.

2. Each request must contain an estimated time for trial.
3. Upon receipt of an initial request for setting, the County Court-at-Law Judge's secretary shall set the case on a docket, in accordance with the schedule prescribed under Rule 1.11 herein.
4. Notice of such settings shall be given under the direction of the Court to all parties to the cause or their counsel of record.

RULE 1.16 REQUEST FOR PREFERENTIAL SETTING

- I. The Court may, on its own motion, specially set any case for trial at any time upon due notice to all parties or their counsel of record.
- II. The Court may grant a preferential setting upon written request by any party or their counsel of record filed with the Court. Such setting shall be granted only upon good cause shown or as provided by law.

RULE 1.17 EMERGENCY AND SPECIAL MEETINGS

No local rule under this subdivision.

RULE 1.18 DOCKET CALLS AND ANNOUNCEMENTS

I. District Court

A. Criminal cases.

1. The County Attorney's Office shall set the cases for arraignment and docket call in accordance with the schedules prescribed under Rule 1.11 herein.
2. The defendant and his attorney are excused from appearing at arraignment if a written waiver of arraignment, signed by the defendant and his attorney, has been filed in the cause and a copy served on the State's attorney.

3. Docket call is for the purpose of hearing announcements of "Ready" or "Not Ready" for trial and for the purpose of hearing contested motions for continuance.
4. The defendant and his attorney are excused from appearing at docket call if a written announcement, signed by the defendant or his attorney, has been filed in the cause and a copy served on the State's attorney, and neither side wishes to urge a contested motion for continuance.

B. Civil cases.

1. All cases in which written requests are made for a setting on the jury docket shall be set for docket call in accordance with the schedules prescribed under Rule 1.11 herein.
2. Docket call is for the purpose of hearing announcements of "Ready" or "Not Ready" for trial and for the purpose of hearing contested motions for continuance.
 - a. If no announcements are made in a case at docket call, that case will be removed from the active trial docket and will be set for trial again only in the same manner as prescribed under Rule 1.15 herein for initial settings or as directed by the Court.
 - b. If an announcement of "Ready" is made by any party, it shall be presumed that any party not announcing is also ready for trial.
 - c. An announcement of "Not Ready" must be accompanied by a written motion for continuance unless there is an agreement by all parties to pass the case, which agreement is subject to the approval of the Court.
 - d. Parties and counsel are excused from appearing at docket call if all parties have agreed to continue or pass the case and the Court approves such agreement, OR the party desiring to be excused is ready for trial and there are no pre-trial motions or other preliminary matters to be heard.

II. County Court-at-Law

A. Criminal Cases.

1. The County Attorney's Office shall set the cases for arraignment and docket call in accordance with the schedules prescribed under Rule 1.11 herein.
2. The defendant and his attorney are excused from appearing at arraignment if a written waiver of arraignment, signed by the defendant and his attorney, has been filed in the cause and a copy served on the State's attorney.
3. Docket call is for the purpose of hearing announcements of "Ready" or "Not Ready" for trial and for the purpose of hearing contested motions for continuance.
4. The defendant and his attorney are excused from appearing at docket call if a written announcement, signed by the defendant or his attorney, has been filed in the cause and a copy served on the State's attorney and neither side wishes to urge a contested motion for continuance.

B. Family Law Cases and Proceedings.

1. All cases which have service perfected, a waiver of citation or answer filed will be automatically placed on the appropriate docket call by the County Court-at-Law Judge's secretary.
2. Docket call is for the purpose of hearing announcements of "Ready" or "Not Ready" for trial, for obtaining a setting for final disposition of a case and for the purpose of hearing all contested motions.
 - a. If no announcements are made in a case at the docket call, that case will be removed from the active docket and placed on the Dismissal Docket.
 - b. If an announcement of "Ready" is made by any party, it shall be presumed that any party not announcing is also ready for trial.

- c. An announcement of "Not Ready" must be accompanied by a written motion for continuance unless there is an agreement by all parties to pass the case, which agreement is subject to the approval of the Court.
- d. Parties and counsel are excused from appearing at docket call if all parties have agreed to continue or pass the case and the Court approves such agreement; or the party desiring to be excused is ready for trial, and there are no pre-trial motions or other preliminary matters to be heard; or the parties have agreed on a setting for final disposition and have obtained a setting from the County Court-at-Law Judge's secretary.

RULE 1.19 RESETTING CASES

Once a case has been placed on the active jury docket in accordance with Rule 1.15 herein, such case is automatically set for trial from term to term until disposition and shall not be removed from such docket except for no announcements at docket call and except by Order of the Court on the motion of a party, for good cause, after notice and hearing, or on the Court's own motion, with or without hearing.

RULE 1.20 DISMISSAL DOCKET: INVOLUNTARY DISMISSAL

- I. **District Court:** Periodically, but at least once each year, all civil cases in which no action has been taken by a party seeking affirmative relief within a period of two years will be placed on a dismissal docket in accordance with Rule 165a, T.R.C.P.
- II. **County Court-at-Law:** Periodically, but at least once each year, all civil cases which have not been disposed of within the time standard under Rule 1.10 herein, or which have been pending for longer than one year without action, or which no announcement has been made at a docket call will be placed on a dismissal docket in accordance with Rule 165a, T.R.C.P.

RULE 1.21 SUSPENSE DOCKET

If a case has been stayed because it relates to a bankruptcy proceeding, such case is to be transferred to a "Suspense Docket" for suspension of further action.

RULE 2.10 INFORMATION TO LOCAL ADMINISTRATIVE JUDGE

No local rule under this subdivision.

RULE 3.10 PRESENTMENT OF PRE-TRIAL PLEAS AND MOTIONS

I. Criminal cases.

- A. The County Attorney's Office shall set the cases for pre-trial hearings and shall set the deadlines for filing pre-trial motions in accordance with the schedules prescribed under Rule 1.11 herein.
- B. The defendant and his attorney are excused from appearing at the pre-trial if there are no pre-trial motions to be heard.

II. Civil cases.

- A. All cases in which written requests are made for a setting on the jury docket shall be set for pre-trial in accordance with the schedules prescribed under Rule 1.11 herein.
- B. Except for motions in limine and motions for continuance, all special exceptions, other pre-trial motions and pleas must be filed and copies served on opposing counsel for three (3) full days before the pre-trial hearing, unless a longer period for filing is otherwise required or a shorter period allowed for good cause.
- C. When counsel for any party fails to appear at the pre-trial, the Court may:
 - 1. Rule on all special exceptions, motions or pleas in the absence of such counsel.
 - 2. Declare any special exceptions, motions or pleas of such absent party waived.

3. Advance or delay the trial setting according to the convenience of the counsel present.
 4. Pass and reset the pre-trial.
- D. Counsel at the pre-trial shall either be the attorney who expects to try the case, or shall be familiar with the case and is fully authorized to state his party's positions on the law and facts, make stipulations and enter into settlement negotiations as trial counsel. If the Court finds counsel is not qualified, the Court may consider that no counsel has appeared and may take any of the procedures provided above.
- E. All special exceptions and other pre-trial motions and pleas filed but not urged at the pre-trial hearing shall be deemed waived.
- F. There shall be no further pleadings or discovery after the pre-trial hearing except in direct response to orders of the Court at the pre-trial hearing OR upon written motion for good cause after notice and hearing. An earlier cut-off date for pleadings and discovery may be set at a scheduling conference authorized by Rule 3.18 herein.

RULE 3.11 DISPOSITION OF MOTIONS AND OTHER PRELIMINARY MATTERS

- I. Motions and other preliminary matters may be heard in advance of the pre-trial if, when filed, they are accompanied by an Order Setting Hearing to be completed by the Court. Otherwise, all such motions and other preliminary matters must be urged at the pre-trial, or they will be deemed waived.
- II. It is the responsibility of the moving party to give notice of such settings to all other parties or their counsel of record.

RULE 3.12 MOTIONS FOR SEVERANCE

No local rule under this subdivision.

RULE 3.13 MOTIONS FOR CONTINUANCE

- I. All contested motions for continuance must be in writing and filed before docket call.
- II. Contested motions for continuance filed after docket call must be based on grounds that either did not exist or were not known and could not have been reasonably anticipated at the time of docket call.

RULE 3.14 MOTIONS FOR DEFAULT JUDGMENT

Requests for settings for default judgments may be made orally or in writing to the Judge's secretary who will set a date and time for hearing.

RULE 3.15 MOTIONS FOR SUMMARY JUDGMENT

Unless specifically set otherwise, all pending motions for summary judgment, which have been on file and a copy of which has been delivered to the opposite party or his counsel more than 21 days prior to the date set for pre-trial hearing, will be considered as set for hearing at the time of the pre-trial hearing just as if they were formally set on that date by written order.

RULE 3.16 MOTIONS FOR TREATMENT OF CASE AS A COMPLEX CASE

No local rule under this subdivision.

RULE 3.17 MOTIONS FOR REFERRAL OF DISPUTES AND ALTERNATIVES.

No local rule under this subdivision.

RULE 3.18 SCHEDULING CONFERENCE

- I. In especially complex cases or special circumstances, a case may be set for a scheduling conference on an oral or written request made to the Judge's secretary or on the Court's own motion.
- II. It is the responsibility of the requesting party to give notice of the setting to all other parties or their counsel of record.
- III. The scheduling conference shall be for any or all the following purposes.
 - A. Establishing deadlines for joinder of additional parties, completion of discovery and amendment of pleadings.
 - B. Determining the probable length of time required for trial.
 - C. Setting dates and times for:
 - 1. Pre-trial conference;
 - 2. Jury selection; and
 - 3. Trial on the merits.
 - D. Considering any other scheduling matter that will facilitate disposition of the case.

RULE 3.19 PRE-TRIAL CONFERENCE

- I. In especially complex cases or special circumstances, a case may be set for a pre-trial conference.
- II. The date and time for the pre-trial conference shall be set and notice given of such setting at the scheduling conference authorized by Rule 3.18 herein.
- III. The pre-trial conference shall serve as the pre-trial authorized by Rule 3.10 herein and by Rule 166, T.R.C.P.

RULE 3.20 COMPLIANCE WITH CONFERENCE PROCEDURES

Procedures set out under Rule 3.10, II., B., C., D., E. and F. herein shall also apply to the pre-trial conference authorized by Rule 3.19 herein.

RULE 3.21 NON-COMPLIANCE WITH CONFERENCE RULES

No additional local rule necessary under this subdivision.

RULE 3.22 DISCOVERY MOTIONS (CIVIL CASES)

- I. Motions relating to discovery may be heard in advance of the pre-trial if, when filed, they are accompanied by an Order Setting Hearing to be completed by the Court. Otherwise, all such motions must be urged at the pre-trial, or they will be deemed waived.
- II. It is the responsibility of the moving party to give notice of such settings to all other parties or their counsel of record.

RULE 3.23 SETTLEMENTS

No local rule under this subdivision.

RULE 3.24 CONFLICTING ENGAGEMENTS OF COUNSEL

No local rule under this subdivision.

RULE 3.25 WITNESSES/EXHIBITS

No local rule under this subdivision.

RULE 3.26 JURY VOIR DIRE/VENIRE

I. District Court

- A. Juries for all cases set and ready for trial during a given week will be selected on the day designated for jury selection for that week in accordance with the schedules under Rule 1.11.
- B. Juries will be selected on that day for one week only and for as many cases as time permits to be tried during that week.
- C. Prior to voir dire examination by counsel, each person on the jury panel drawn for a given case will orally recite the personal data information contained on the jury panel questionnaire. A panel member will recite this information only once, regardless of the number of panels on which he may sit.
- D. All counsel are expected to take notice of the individual recitations of personal data by the panel members at the time of such recitations and of the preceding voir dire examinations. Repetition of the personal data or of previous voir dire questions of the same panel members will not be permitted.

II. County Court-at-Law

- A. Juries for all cases set and ready for trial during a given week will be selected on the day designated for jury selection for that week in accordance with the schedules under Rule 1.11.
- B. Juries will be selected on that day for one week only and for as many cases as time permits to be tried during that week.
- C. Prior to voir dire examination by counsel, all parties will be provided a copy of the completed jury panel questionnaire of each panel member.

RULE 3.27 JURY CHARGES

- I. Requested definitions, instructions and questions should be furnished to the Court before or at the commencement of trial but may be furnished any time before the closing of the evidence, unless otherwise ordered by the Court.

- II. Copies of requested definitions, instructions and questions need not be furnished to opposing counsel until the closing of all the evidence, unless otherwise ordered by the Court.
- III. General or "boiler plate" instructions need not be submitted by counsel.

RULE 4.10 FAMILY LAW CASES

I. The Ancillary Docket.

- A. The Ancillary Docket shall consist ONLY of matters subject to the entry of temporary orders, contempt motions, applications for writ of habeas corpus, motions to transfer and those motions governed by and arising from the Texas Rules of Civil Procedure. After entry of a FINAL judgment, any motions to modify filed under the provisions of Section 14.08 of the Texas Family Code shall be set on the Contested Docket unless the Court, in its discretion based upon affidavit or verified pleadings setting out supportive facts, finds that the child's or children's present environment may endanger such child's or children's physical health or significantly impair such child's or children's emotional development whereupon the Court shall set any request for temporary relief for hearing on the Ancillary Docket at a time convenient to the Court with the final hearing set on the Contested Docket.

Any other matters of a temporary or ancillary nature will be set on the Ancillary Docket by written request at a time convenient to the Court.

- B. On any order setting a hearing for the Ancillary Docket, the attorneys will use the following language dependent upon which is appropriate under the notice requirements of the Texas Family Code or the Texas Rules of Civil Procedure:
 - 1. "9:00 a.m. on the Wednesday next after the expiration of 3 days from the date of service."
 - 2. "9:00 a.m. on the Wednesday next after the expiration of 10 days from the date of service."
 - 3. "9:00 a.m. on the first Wednesday following the Monday next after the expiration of 20 days from the date of service."

II. Court Master

- A. All cases filed pursuant to Title IV-D of 42 U.S.C., Sections 651, et seq., will, by direction of Section 14.82(b) of the Family Code, be referred for hearing to the Master appointed by the Presiding Judge of the First Administrative Judicial Region.
- B. The duly appointed Master shall have the powers as provided by Section 14.82, Family Code and Subchapter A, Chapter 54, Government Code.
- C. All cases filed by the Texas Attorney General's Office shall be heard originally by the Master.

III. Child Support

This Court adopts the Child Support Guidelines as promulgated and as they may, from time to time, be amended by the Supreme Court of Texas.

IV. Visitation and Access to Children

In accordance with Section 14.03(b) of the Texas Family Code, the following schedules and guidelines are adopted by the Court.

- A. When a Managing Conservator and Possessory Conservator are appointed and they live less than 200 miles from each other, the Possessory Conservator shall have possession of the child(ren) as follows:

On the weekends of the 1st and 3rd Sundays of each month beginning at 6:00 p.m. on the Friday immediately preceding and ending at 6:00 p.m. on Sunday.

In odd-numbered years for a period at Christmas time, said period to begin at 6:00 p.m. on the first day that the school in the school district in which the child resides lets out and to end at 12:00 noon on December 25.

In even-numbered years for a period at Christmas time, said period to begin at 12:00 noon on December 25th and to end at 6:00 p.m. on the day before school is to reconvene in the school district in which the child resides.

In odd-numbered years during the spring break in the school district in which the child resides, beginning at 6:00 p.m. on the first day school lets out for spring break and ending at 6:00 p.m. on the day before school is to reconvene.

In even-numbered years at Thanksgiving, beginning at 6:00 p.m. on the Wednesday before Thanksgiving and ending at 6:00 p.m. on the Sunday following Thanksgiving.

In odd-numbered years at Easter, beginning at 6:00 p.m. on the Friday preceding Easter Sunday and ending at 6:00 p.m. on Easter Sunday.

During the summer for 2-two week periods to be separated by at least 2 weeks, and the possessory conservator shall designate in writing before April 1st of each year the periods of visitation for the summer of the same year. If the possessory conservator fails to designate the summer visitation by April 1, the two periods shall be the 2 weeks between the possessory conservator's regular 1st and 3rd weekend visitations in the months of June and August.

On the child's birthday, the parent not having custody shall have the right to visit with the child from 2:00 p.m. until 8:00 p.m.

In the event the person having visitation rights with the child or children elects not to visit, said person shall give forty-eight (48) hours notice to the person having possession of the child or children that said visitation period will not be exercised. Said notice shall be received not less than forty-eight (48) hours prior to the start of the visitation.

All visitation days missed by the possessory conservator because of sickness of the child or children shall be added to the end of the first two weeks summer visitation.

At all other reasonable times and places that may be agreed upon by the parties.

- B. When a Managing Conservator and Possessory Conservator are appointed and they live more than 200 miles from each other, the Possessory Conservator shall have possession of the child(ren) as follows:

Summer. For a period of sixty days each year during the months of June, July and August, beginning in 19____ not to conflict with the regularly scheduled schooling of the child(ren) in the school district where the child(ren) reside(s) upon 15 days advance written notice by Possessory Conservator to Managing Conservator.

Easter or Spring Break. Each year beginning in 19____ for a period beginning at 6:00 p.m. on the day school recesses for the Easter holidays or spring break, whichever is longer, and ending at 6:00 p.m. on the day before school is to resume, upon 15 days advance written notice by the Possessory Conservator to the Managing Conservator.

Thanksgiving. Each year beginning in 19____ for a period beginning at 6:00 p.m. on the Wednesday before Thanksgiving Day and ending at 6:00 p.m. on the Sunday immediately following, upon 15 days advance written notice by Possessory Conservator to Managing Conservator.

Christmas and New Year. Each year beginning in 19____ for a period beginning at 9:00 a.m. on December 25 and ending at 6:00 p.m. on the day before school is to resume following New Year's Day.

Other Visitation. When Possessory Conservator is going to be within a reasonable distance of the residence of the child(ren), upon 24-hour notice by Possessory Conservator to Managing Conservator, for periods of not more than three days each and not more than two times per month.

At All Other Times. As the parties may mutually agree.

RULE 5.10 LIQUIDATED MONETARY CLAIMS

No local rule under this subdivision.

RULE 6.10 FELONY AND MISDEMEANOR CASES

- I. See other local rules herein affecting the trial of criminal cases, namely Rules 1.10, 1.11, 1.14, 1.15, 1.18, 3.10, 3.13 and 3.26.
- II. Compensation of counsel appointed to represent a defendant in a criminal proceeding shall be according to a written schedule of fees adopted by the county and district criminal court judges within Rusk County. A copy of such schedule may be obtained from the Judge's secretary.
- III. Counsel appointed to represent a defendant in a criminal proceeding should submit a Report of Services Performed and an Order for Payment (on forms available from the Judge's secretary) when a case is resolved but before the judgment or other dispositive order is signed.

RULE 7.10 JURY MANAGEMENT

No local rule under this subdivision.

RULE 8.10 JUDICIAL VACATION AND SICK LEAVE

- I. Judicial vacation and sick leave for the judges of the courts subject to these rules shall conform to the vacation and sick leave policies adopted by the Commissioners Court of Rusk County for full time permanent county employees.
- II. Said judges shall not, so far as possible, schedule their respective vacations to occur at the same time.

RULE 8.11 REQUESTS FOR VISITING JUDGES

No local rule under this subdivision.

RULE 9.10 NON-JUDICIAL PERSONNEL

No local rule under this subdivision.

RULE 9.11 CONDUCT OF NON-JUDICIAL PERSONNEL

No local rule under this subdivision.

RULE 10.10 ATTORNEY VACATIONS

- I. Continuances based on attorney vacations shall be granted only by agreement of all parties OR on written motion after notice and a hearing.
- II. Continuances will not be automatically granted solely on the basis of a vacation letter from an attorney to the Court or opposing counsel.

RULE 10.11 APPEARANCE OF COUNSEL, ETC.

No local rule under this subdivision.

RULE 10.12 ATTORNEY WITHDRAWAL

- I. 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.
 - A. 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.
 - B. A copy of the motion shall be delivered or mailed to opposing counsel.
- II. Leave of court may be denied where the motion is presented so near the trial date as to require delay of the trial.

III. After leave of court is granted, if the client is without counsel, withdrawal shall not be effective unless and until withdrawing counsel has written a letter to the client, with a copy filed with the Court, advising such client of any setting of the case for trial or for any other hearing or proceeding and advising the client to promptly secure other counsel in the case.

RULE 10.13 CONDUCT/DECORUM OF COUNSEL

- I. All persons entering the courtroom shall dress and conduct themselves in keeping with proper courtroom decorum.
- II. No smoking or other use of tobacco products shall be permitted in the courtroom.
- III. No bottles, cans, cups or other beverage containers shall be allowed in the courtroom except for the water pitchers and cups furnished by the court.
- IV. No edibles shall be allowed in the courtroom.
- V. No chewing gum shall be used by a witness while testifying or by an attorney while interrogating a witness or addressing the judge or jury.
- VI. In addressing the Court, counsel shall at all times rise and remain standing and address the Court from their position at counsel table.
- VII. Counsel shall remain seated at counsel table while interrogating a witness except when handling exhibits or other demonstrative evidence and except when necessary to approach a friendly or neutral witness. Leave of court must be obtained to approach an adverse or hostile witness.
- VIII. The party with the burden of proof shall use the counsel table nearest the jury box or as directed by the Court.
- IX. Jurors shall not be permitted to take notes during a trial.
- X. Attorneys should advise their clients and witnesses of the local Rules of Decorum that may be applicable.

RULES 11 AND 12: ADOPTION OF RULES, LOCAL ADMINISTRATION

I. Terms of court.

- A. The terms of the **District Court** begin on the first Mondays in January, March, May, July, September and November.
- B. The terms of the **County Court-at-Law** begin on the first Monday in January and the first Monday in July of each year. Each term of court continues until the next succeeding term begins.

II. Rules of Administration promulgated pursuant to V.T.C.A., Government Code, Section 74.093:

- A. The assignment, docketing, transfer and hearing of all cases shall be governed by the other relevant rules herein, namely Rules 1.10, 1.11, 1.12, 1.13, 1.14, 1.15, 1.16, 1.18, 1.19, 3.10, 3.11, 3.26 and 4.10.
- B. The Courts subject to these rules shall be responsible for all matters assigned to them by law or these rules and shall function without designation of court divisions or branches responsible for certain matters, such designation being deemed to be impractical and unnecessary.
- C. The Courts subject to these rules shall hold court at least once a week in the county unless in the opinion of the local administrative judge sessions at other intervals will result in more efficient court administration.
- D. The apportionment of cases provided for in Rule 1.12 herein is deemed to be a fair and equitable division of the concurrent jurisdiction of the Courts subject to these rules.
- E. Plans for judicial vacation and sick leave for the judges of the Courts subject to these rules shall be governed by Rule 8.10 herein. Said judges shall attend the following annual events, unless prevented from such attendance for good cause: The North East Texas Regional Judicial Conference, the Criminal Justice Conference and the State Bar Judicial Section Conference.

RULE 13.10 MISCELLANEOUS

I. Entry of judgments in civil cases:


- A. After pronouncement of judgment by the Court in trial before the Court, or upon reception of a jury verdict by the Court in any contested civil case, counsel for the party entitled to a judgment based thereon shall forthwith prepare a draft of a proposed judgment in such cause and furnish the original and one copy thereof to the Court, and a true copy to all counsel of record and adverse parties without counsel of record.
1. Such copies may be personally delivered or transmitted by certified or registered mail, return receipt requested, via the United States Postal Service by counsel preparing the same.
 2. If opposing counsel of record or adverse parties without counsel of record have any objections to the form or substance of such proposed judgment, they shall, within ten (10) days if copy of proposed judgment is personally delivered or within fourteen (14) days if copy of proposed judgment is mailed, deliver to the Court, in person or by registered or certified mail via the United States Postal Service, any such objections thereto in writing, together with an Order Setting Hearing thereon, furnishing a copy of the same to counsel preparing the proposed judgment.
 - a. If no written objections are received by the Court within such respective periods of time, the Court will presume that no party objects to either the form or substance of the proposed judgment, and the Court will thereafter, if judgment is in proper form and is supported by pleadings, evidence and verdict, sign such judgment and cause the same to be entered of record without any hearing of any motion for judgment then pending.
 - b. If objections are timely filed to either the form or substance of such proposed judgment, the Court will set a hearing on such objections.

B. The Court may set a hearing on its own motion for entry of judgment. Reasonable notice of such hearing will be given by the Court or counsel preparing the draft of the judgment, as the Court may direct, to all opposing counsel of record or adverse parties without counsel of record.


II. Filing record of court costs to be adjudicated in the judgment:

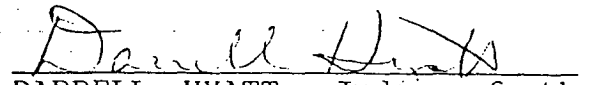
All records of costs, INCLUDING FEES OF THE COURT REPORTER FOR THE ORIGINAL OF STENOGRAPHIC TRANSCRIPTS, must be filed with the Clerk before or at the time of the signing of the judgment if such judgment provides for the adjudication of those costs.

The above and foregoing local rules of practice and administration are hereby ADOPTED on this the 27th day of January, 1989 and ORDERED filed with the clerk of the courts subject to such rules.



DONALD R. ROSS, Judge of the
Fourth Judicial District Court
of Rusk County, Texas

ATTEST:


PAT ENDSLEY, District Clerk
of Rusk County, Texas


DARRELL HYATT, Judge of the
County Court-at-Law of Rusk
County, Texas

ATTEST:


HELEN SILLICK, County Clerk
of Rusk County, Texas



Plumfete

STATE OF TEXAS
OFFICE OF COURT ADMINISTRATION

1414 COLORADO STREET, SUITE 602

Post Office Box 12066
Austin, Texas 78711-2066
512/463-1625

C. Raymond Judice
Administrative Director

Jim Hutcheson
General Counsel

October 5, 1990

Honorable Donald R. Ross
Judge, 47th District Court
Rusk County Courthouse
Henderson, Texas 75652

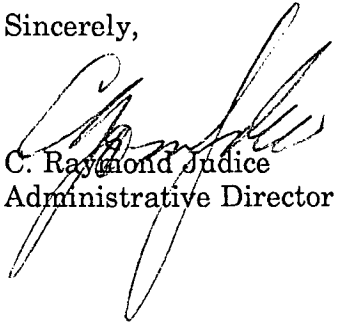
RE: Local Rules of the Fourth District Court and County Court at Law of Rusk County,
dated January 27, 1989

Revision of Rules 1.11, 1.20, 3.26, 10.12, and 13.10 of the Local Rules of the Fourth
District Court and the County Court at Law of Rusk County, dated September 7, 1990

Dear Judge Ross:

Enclosed is a copy of the order of the Supreme Court dated October 3, 1990, approving
the above-referenced rules, and a copy of those rules.

Sincerely,


C. Raymond Judice
Administrative Director

Enclosure

cc: State Law Library
Mr. Luke Soules, Chairman,
Standing Advisory Committee

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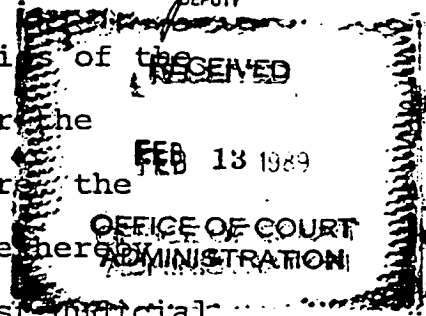
AT 3:30 O'CLOCK P. M.

JAN 25 1989

RULES OF PRACTICE OF THE 71ST JUDICIAL DISTRICT COURT
EFFECTIVE JANUARY 1, 1989

BETTY CAWOOD
DISTRICT COURT
HARRISON COUNTY, TEXAS

BY *Betty Lindstrom*
DEPUTY



Pursuant to the constitutional powers and duties of the
Judicial authority in the State of Texas, and under the
authority of Rule 3a of the Rules of Civil Procedure, the
following local Rules of Practice and Procedure are hereby
adopted to govern the trial of all cases in the 71st Judicial
District Court. Nothing contained in these Rules shall be
construed or interpreted as interfering with the right of the
trial Judge to make such orders, settings, or procedural
directions as in his discretion may be necessary and proper
for the expedient and orderly dispatch of the business of the
Court. These rules are intended to be consistent with and
subject to the Rules of Civil Procedure and the statutes and
Constitution of the State of Texas.

The District Clerk shall mail a copy of these Rules to
the members of the Bar Association in Harrison County and to
such non-resident attorneys who make appearances before this
Court.

The Clerk is ordered to spread a copy of these Rules
upon the minutes and to furnish a copy to the Supreme Court
of Texas.

Bonnie Leggat
BONNIE LEGGAT, JUDGE
71ST JUDICIAL DISTRICT OF TEXAS

COURTROOM DECORUM AND CONDUCT

- 1) Food, beverages, and the use of tobacco are prohibited in the courtroom.
- 2) No person should make facial expressions, shaking of the head or any other conduct, exhibiting approval or disapproval of any testimony elicited or any statement or transaction which has occurred in the courtroom.
- 3) The attorneys, parties, and officers of the Court shall be prompt at all sessions and in the dispatch of court business.
- 4) All male lawyers and court officials shall wear coats and ties. All female lawyers and court officials shall wear appropriate business-type clothing for courtroom proceedings.
- 5) There will be no arguments on objections in the presence of the jury unless specifically permitted by the Court. If counsel desires to argue his or her point after making an objection on being overruled on an objection, he or she may ask the Court to exclude the jury before proceeding with such argument. However, argument will be permitted at the discretion of the Court.
- 6) The bailiff shall see that the flag of the United States and the flag of the State of Texas are promptly displayed in the courtroom.
- 7) The photographic or electronic recordings and reproduction of court proceedings shall be strictly regulated by the Court so that it will not distract the participants or

impair the dignity of the proceedings, and may only be done as specifically provided by the Court and Cannon 3(7) of the Code of Judicial Conduct.

THE CALENDAR FOR EACH TERM OF COURT

By law the 71st Judicial District Court shall have six terms of court each year consisting of two months each. The Clerk shall issue a calendar approved by the Court prior to each term of court, setting forth the weeks for jury cases and non-jury cases.

The first week of each term will be designated as a non-jury week. The second, third and fourth weeks of the term shall be designated as jury weeks. The fifth week of the term shall be designated as a non-jury week, and the sixth, seventh and eighth weeks of the term shall be designated as jury weeks. The Court at its discretion may alter this schedule in accordance with the case load.

The Court shall designate Jury Commissioners at the beginning of the term of court. The Jury Commissioners shall report to the Court on the first Wednesday of the term at 9:00 o'clock a.m. The Court shall empanel the Grand Jury on Tuesday of the fourth week of the term at 8:30 a.m.

Cases shall be scheduled so that cases will not conflict with the docket calls and the proceedings concerning the Grand Jury Commissioners and Grand Juries.

Contested matters in which a jury fee has not been paid will be set on the non-jury weeks both on the Court's own

motion and upon written request to the office of the District Judge.

This Court will be governed by these Rules, and all attorneys are required to become familiar with these rules and governed thereby. The Clerk of this Court has a copy of such Rules available upon request by the attorneys of record, in any case pending.

CASE NUMBERING SYSTEM

Pursuant to the Rules of the Supreme Court of Texas requiring that the Court file various reports documenting its case load including the age of all of its cases, from the effective date of these Rules, all cases filed thereafter shall be numbered as follows: The first number of the cause will be the last two numbers of the year in which the cause is filed followed by a dash and, in civil cases, followed by a four digit number with the numbers beginning 0001 for the first case filed after the implementation of these rules and each case filed thereafter shall be numbered consecutively.

All criminal cases shall be preceded by the letters CR, followed by the last two digits of the year in which the case is filed followed by a dash and then followed by a three digit number with the first criminal case being filed after the implementation of these rules beginning CR87-001, and each case filed thereafter to be numbered consecutively.

CRIMINAL CASES

1) The criminal docket shall be held on the first Monday of the term of court at 9:00 o'clock a.m. All pretrial hearings, including motions for continuance, will be heard immediately after the docket call. The Clerk shall give notification of such pretrial hearings pursuant to the Rules of Criminal Procedure. All motions must be filed seven (7) days prior to the pretrial hearing unless the Court gives permission for a later filing, and copies shall be furnished to opposing counsel.

2) The Prosecutor and Defense Counsel should be prepared to provide the Court with specific information concerning restitution in criminal cases involving a plea of guilty or a finding of guilty.

ARRAIGNMENT DOCKET

As soon as possible after a Grand Jury has returned indictments, the Court Coordinator will issue an Arraignment Docket by giving notice to all Defendants and their attorneys, if known, and to the Criminal District Attorney. Failure to appear at an Arraignment Docket can result in the forfeiture of any bail and a warrant for the arrest of the Defendant being issued.

SETTINGS OF CIVIL TRIALS

- 1) The civil docket shall be held on the first Monday of the term of court at 1:30 o'clock p.m.
- 2) Parties desiring a special setting shall set forth to the court their request for same and shall state specifically the reasons justifying the need for special setting.
- 3) Jury fees and requests for jury settings shall be filed at least fourteen (14) days prior to the docket call.
- 4) The District Judge's Court Coordinator shall set contested cases at the next available calendar date following the receipt of a written request for such setting.
- 5) A contested non-jury case which has been set shall not be removed from such non-jury setting and placed upon the jury docket unless a jury fee shall have been paid ten (10) days or more in advance of any non-jury setting. For the purposes of time computation, neither the day the jury fee is paid nor the day of the non-jury setting shall be included in computing this ten (10) day period.
- 6) Immediate notification should be given to the Court Coordinator of the District Judge upon the settlement of a case or upon an agreed postponement of a case or hearing on the same day such settlement or postponement is done. In cases in which the court either in chambers or in open court shall direct counsel for a party to prepare an order setting forth the ruling of the court, then both counsel are charged with notifying the Court Coordinator of the District Judge of

such direction and the District Judge's Court Coordinator shall make an appropriate docket entry showing which counsel has been directed to prepare an order. Counsel directed to prepare such an order shall promptly prepare the order and submit it to opposing counsel for approval as to form at least in a contested matter and for form and substance in an agreed matter and such order shall be promptly thereafter presented to the court for its entry. Failure to provide the notifications herein required or to prepare the orders as

herein required or failure to appear at the time scheduled for trial may result in sanctions by the Court.

7) The Court Coordinator of the District Judge shall keep a list of the order of the settings of jury trials, striking causes on the docket which have been contested and settled and counsel may contact that office to determine the numerical standing for a jury selection. The current status of the jury docket will be posted in the office of the District Judge and updated upon notification of the cancellation of any case.

8) Any cause set on the jury docket which is not reached during the week it is set shall automatically be reset for the next available jury week and shall be set in its proper numerical order of the causes already set for that jury week.

9) Motions for a continuance shall be considered immediately after the call of the docket. If the motion for continuance is made on the basis of a prior setting in

another court, the motion should state the cause number, name of the case, court in which it is pending, the date the case is set, the date on which the setting was made and the number of the case on the docket. The motion should further state that no other attorney in the firm of the movant is capable of handling the trial of the cause and state the reasoning for such position. No attorney should endeavor to appear in more courts than he or she is capable of making a timely appearance for the representation of the parties and the causes of action. Motions for continuance filed after the docket call should set forth matters of exigency which have arisen subsequent to the call of the docket. Furthermore, if a case on this court's docket shall be continued on the basis of a prior setting in another court, then such case on this court's docket shall be considered set as of the time of the continuance and shall be considered by the lawyer and deemed by this court to be set prior to any other case pending in any other court and it shall not be grounds for a second continuance that counsel has been set previously in another case in another court.

SETTLEMENT/PRETRIAL CONFERENCE

Settlement/Pretrial Conference shall be held for all jury cases set during the second, third and fourth weeks of the term on the Friday of the first week of such term at 9:00 o'clock a.m. and shall be conducted in their numerical order.

Settlement/Pretrial Conference shall be held for all jury cases set during the sixth, seventh and eighth weeks of

the term on the Friday of the fifth week of the term at 9:00 o'clock a.m. and shall be held in their numerical order.

Objections to video tape which will be offered at the trial of the cause shall be made and heard at the Settlement/Pretrial Conference and if not made at that time shall be deemed waived.

Depositions shall not be amended or changed after the Settlement/Pretrial Conference.

Counsel attending the pretrial should either be the attorney who expects to try the case, or shall be familiar with the case and fully authorized to state his party's position on the law and facts, make stipulations, and enter into settlement negotiations as trial counsel. If the court finds that counsel is not so qualified, the court may consider that no counsel has appeared and may take such actions as are herein provided.

Each party shall make reasonable efforts to complete discovery proceedings before the Settlement/Pretrial Conference and have all pleadings in final form for trial and all necessary parties included in the suit.

Before the pretrial conference, counsel for all parties should make reasonable efforts to reach an agreement upon as many matters as possible. At the pretrial conference, it shall be determined what issues remain in dispute, and the factual and legal contentions of the parties as to the issues remaining in dispute. In appropriate circumstances, counsel

should be prepared to submit appropriate memorandum briefs on matters to which there is a legal dispute remaining.

All pending motions, motions-in-limine, motions to equalize strikes, dilatory pleas and exceptions to pleadings, shall be presented and heard at the Settlement/Pretrial Conference or shall be considered waived. The Court, in its discretion, may allow new matters to be considered after the Settlement/Pretrial Conference.

Any failure of an attorney to be prepared for, appear at, or participate in a Settlement/Pretrial Conference unless good cause is shown for such failure, is an interference with the proceedings of the court. Upon such failure the court may impose costs, actual expenses, legal fees, or any or all thereof, arising therefrom. In addition, upon such failure, the court may rule on all motions and exceptions in the absence of such counsel; declare any motions or exceptions of such absent party waived; advance or delay the trial setting; consider such counsel's objections, if any, to a non-jury setting waived; and/or pass or reset the trial.

At the Settlement/Pretrial Conference, the court will inquire into such matters which will aid in the disposition of the case, including the possibility of a settlement of the case. Any counsel appearing at the Settlement/Pretrial Conference who is not prepared to discuss specific details of settlement of the cause and who is not prepared to attempt to settle the case at such conference, shall be subject to

having the court take the actions listed in the paragraphs listed above.

DISMISSAL DOCKET

The Court during any term, will issue a Dismissal Docket and after proper notice, dismiss all cases that have not been requested to have been removed from said docket or requested to be set for trial. Any case that is removed from the Dismissal Docket will be reset for date certain by the Court Coordinator. Any case dismissed for want of prosecution shall be reinstated only under the provisions of Rule 165a of the Texas Rules of Civil Procedure.

GENERAL RULES ON CIVIL CASES

1) An attorney appointed as an Ad litem is expected to fully perform their functions as provided by law. They should be appointed in sufficient time in advance of the hearing of trial to make full investigations of the matter.

2) An inventory and appraisal should be filed in divorce cases by both parties if no settlement has been reached concerning the division of the property. Each party should designate what property is requested by that party.

3) Uncontested matters shall regularly be heard by the Court between 8:00 a.m. and 9:00 a.m. Attorneys having uncontested matters should notify the Court Coordinator requesting such hearing the day before the hearing.

4) An attorney applying to the Court to withdraw as

counsel of record for a party shall include, in his signed petition to withdraw, the name and address of the attorney assuming representation of the party. If no attorney is assuming representation, then the petition should include the address of the party at which said party can be notified of settings along with a statement by the attorney that he has notified the party of any settings which have been scheduled prior to the time of his withdrawing as the attorney of record. When possible the application of withdrawal should also be approved by the party.

5) All cases on the Civil Jury Docket which are continued or not reached during a term of court shall automatically be placed on the next Civil Jury Docket unless a written request not to place the case on the next docket is made by the party originally requesting this setting prior to the deadline for jury request.

6) Cases on the Civil Non-Jury Docket shall be dismissed if the Plaintiff's attorney fails to be present at the time the case is set for trial and no notification has been given to the court concerning their failure to appear.

7) Memorandum Briefs should be submitted prior to Summary Judgment hearings when possible.

8) No case will be placed on the Jury Docket unless the jury fee has been paid.

9) No docket call announcements shall be made by letter.

10) No case will be placed on the jury docket without both the plaintiff's and defendant's attorneys' name.

11) If no announcement is made at Civil Jury Docket Call the case will be automatically removed from the jury docket and placed on the non-jury docket. It shall be deemed by the Court that the failure of counsel for any or all of the parties to attend the docket call shall be a waiver by the parties of any objection to placement of the case on the non-jury docket.

12) All non-jury requests must state the nature of the hearing and estimated time for trial.

13) All divorce decrees must be entered no later than thirty (30) days after the granting of such divorce unless a time extension is granted by the Court.

14) An attorney who is aware that an opposing party is represented by counsel shall notify that counsel of any proposed ex parte hearing (even though counsel has not filed pleadings in the case).

17) No nihil dicit judgment will be entered unless the counsel requesting the hearing has notified the opposing counsel or party by certified or registered mail (as required by the Rules of Civil Procedure) of the time of the hearing. The rule does not apply to cases on the civil docket.



Rev file

STATE OF TEXAS
OFFICE OF COURT ADMINISTRATION

1414 COLORADO STREET, SUITE 602

Post Office Box 12066
Austin, Texas 78711-2066
512/463-1625

C. Raymond Judice
Administrative Director

Jim Hutcheson
General Counsel

October 5, 1990

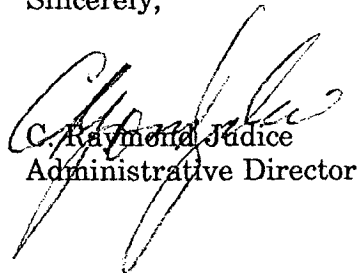
Honorable Bonnie Leggat
Judge, 71st District Court
Harrison County Courthouse
Marshall, Texas 75670

RE: Local Rules of the 71st District Court of Harrison County, dated January 1, 1989

Dear Judge Leggat:

Enclosed is a copy of the order of the Supreme Court dated October 3, 1990, approving the above-referenced rules, and a copy of those rules.

Sincerely,


C. Raymond Judice
Administrative Director

Enclosure

cc: State Law Library
Mr. Luke Soules, Chairman,
Standing Advisory Committee



Rules

STATE OF TEXAS
OFFICE OF COURT ADMINISTRATION

1414 COLORADO STREET, SUITE 602

Post Office Box 12066

Austin, Texas 78711-2066

512/463-1625

March 28, 1989

C. Raymond Judice
Administrative Director

Jim Hutcheson
General Counsel

Honorable Larry W. Starr
Judge, 188th District Court
P.O. Box 3651
Longview, Texas 75606

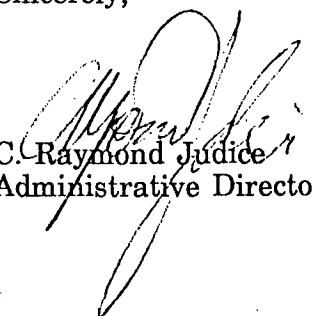
Dear Judge Starr:

Supreme Court Justice Nathan Hecht has forwarded to this office your letter of February 14, 1989, transmitting the Local Court Rules and Amended Local Court Rules for Trial Settings and Docket Management for Gregg County dated September 22, 1988.

Our records show that these rules were previously transmitted by this office on December 22, 1988, to Presiding Judge Ron Chapman of the First Administrative Judicial Region for his review and approval.

Upon notice of his approval, the rules will be submitted to the Supreme Court for Approval.

Sincerely,


C. Raymond Judice
Administrative Director

cc: Honorable Ron Chapman
Honorable Nathan Hecht



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

P.O. BOX 12248 CAPITOL STATION
AUSTIN, TEXAS 78711

CLERK
MARY M. WAKEFIELD

JUSTICES
FRANKLIN S. SPEARS
C. L. RAY
RAUL A. GONZALEZ
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EXECUTIVE ASS'T.
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.
MARY ANN DEFIBAUGH

March 23, 1989

INTERAGENCY MAIL

Mr. Ray Judice
Office of Court Administration
Texas Law Center
Austin, Texas 78701

Dear Ray:

I am forwarding for your consideration the following local rules:

1. Local Court Rules for Trial Settings and Docket Management of Cases on File in the Office of the District Clerk of Gregg County, Texas;
2. Amended Local Court Rules for Trial Settings and Docket Management of Cases on File in the Office of the District Clerk of Gregg County, Texas;
3. Local Rules of Court Adopted by the 31st Judicial District Court for Wheeler, Hemphill, Lipscomb and Roberts Counties.

Sincerely,

Nathan L. Hecht
Justice

NLH:sm

Encl.



HAZEL M. PIKE
COURT REPORTER

CHERYL ROSSON
COURT COORDINATOR

LARRY W. STARR, JUDGE
188TH JUDICIAL DISTRICT COURT
GREGG COUNTY
LONGVIEW, TEXAS 75606

P. O. BOX 3651
214-758-6181

February 14, 1989

Honorable Justices of the
Supreme Court of Texas
Supreme Court Building
P. O. Box 12248
Austin, Texas 78711

Honorable Supreme Court of Texas:

At the most recent meeting of local administrative judges in the First Administrative Region, Judge Ron Chapman informed us it would now be appropriate to re-submit to you for approval local rules previously submitted but not acted on.

I now enclose nine copies of our "Local Court Rules for Trial Settings and Docket Management" previously submitted to you, as well as nine copies of our "Amended Local Court Rules for Trial Settings and Docket Management" previously submitted to you. These rules have been widely published and in use for quite some time. We request that they be approved.

Sincerely,

A handwritten signature in cursive script that reads "Larry W. Starr".

Larry W. Starr,
Local Administrative Judge

LWS:cr
Encl.

cc: Hon. Ron Chapman
First Administrative District
376 Dallas County Government Center
Dallas, Texas 75202



HAZEL M. PIKE
COURT REPORTER

LARRY W. STARR, JUDGE
188TH JUDICIAL DISTRICT COURT
GREGG COUNTY
LONGVIEW, TEXAS 75606

CHERYL ROSSON
COURT COORDINATOR

P. O. BOX 3651
214-758-6181

Supreme Court of Texas
Supreme Court Building
P. O. Box 12248
Austin, Texas 78711

RE: Amendment to Local Court Rules for Trial Settings
and Docket Management of Cases on File in the
Office of the District Clerk of Gregg County, Texas

Honorable Members of the Supreme Court of Texas:

Pursuant to Rule 3a, Texas Rules of Civil Procedure we
enclose the above for submission and approval.

Sincerely,

A handwritten signature in cursive script that reads "Larry W. Starr".

Larry W. Starr
Local Administrative Judge

LWS:cr

cc: Hon. Ron Chapman
Presiding Judge
First Administrative Region

RULE CHANGES FOR SETTINGS AFTER DECEMBER 31, 1988 FOR
CASES (OTHER THAN FAMILY CASES):

"AMENDMENT TO LOCAL COURT RULES FOR TRIAL SETTINGS
AND DOCKET MANAGEMENT OF CASES ON FILE
IN THE OFFICE OF THE DISTRICT CLERK
OF GREGG COUNTY, TEXAS"

ARE:

(1) Under "CIVIL TRIAL LISTS:" change

"...60 days..." to "...50 days..."

and change "These lists are intended to be all inclusive of the cases on file in the District Clerk's Office which meet the description specified under 'CALENDAR' above."

to "These lists are intended to be all inclusive of the cases on file in the District Clerk's Office which meet the description specified under 'CALENDAR' above, and which will have been on file four months on the date of the trial setting."

(2) Under "CIVIL TRIAL READINESS REPORT:" change "...TUESDAY nearest to 20 days preceding..." in the 1st and 3rd paragraphs to "...TUESDAY nearest to 27 days preceding..."

and, under "UPDATED CIVIL TRIAL LIST SHOWING MAILED ANNOUNCEMENTS:" change "...TUESDAY 20 days before..." to "...TUESDAY 27 days before..."

(3) The CIVIL TRIAL READINESS REPORT form "Back Side" will be changed as to the "NOT READY FOR TRIAL" announcement to read as follows:

"[] NOT READY FOR TRIAL. If this case appears on the updated trial list I will then file a written motion for continuance with copy to all attorneys and pro se parties of record or known to be involved in this litigation. If such continuance is by CONSENT OF THE PARTIES, it will SO STATE IN WRITING. If not, I will expect to appear in Court at the time of the setting [or beforehand if arranged and done] to make due proof of grounds."

(4) Under "CIVIL TRIAL READINESS REPORT:"
eliminate the following:

"(3) The court shall be deemed to be authorized to make any announcement which the court, in its discretion, finds to be appropriate in behalf of any party who fails to mail a CIVIL TRIAL READINESS REPORT as required."

and in its place put:

"(3) Failure by a party seeking affirmative relief to announce 'READY FOR TRIAL' or 'READY FOR TRIAL and WILL CONTEST' on any case not disposed of within time standards promulgated by the Supreme Court under its Administrative Rules may result in the case being placed on a dismissal docket."

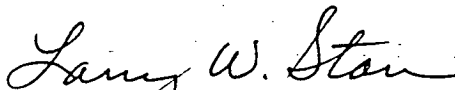
(5) Immediately before "COMPLEX LITIGATION:"
insert the following new provision:

"MOTIONS FOR CONTINUANCE:

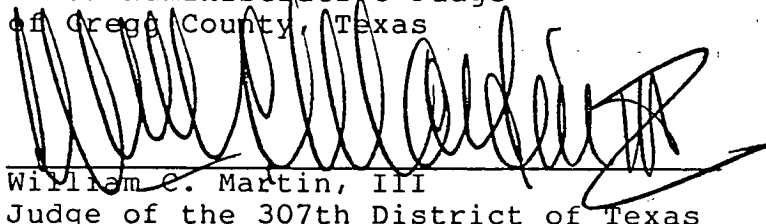
"To conserve clerical activity in law offices and the District Clerk's Office written motions for continuance in civil suits automatically set for trial (on the first, third, or fifth Monday of each two-month period as described under "CALENDAR" above) need not be filed unless (and until) the case appears on the UPDATED CIVIL TRIAL LIST, at which time a written motion for continuance must be promptly filed and served with notice of hearing on all other attorneys of record and pro se parties. The motion must be presented to the Court (in the courtroom of the SUPERVISING JUDGE as described below) at 9:00 a.m. on the Friday ten (10) days preceding the trial setting. If the continuance is by CONSENT OF THE PARTIES it will SO STATE IN WRITING and no personal presentation of the motion will be required; otherwise, court appearance is required.

"Continuances will be charged without written motion to parties announcing NOT READY FOR TRIAL on their CIVIL TRIAL READINESS REPORTS on cases in position to have been reached for trial but for the not ready announcement."

Pursuant to Rule 3(a) of the Texas Rules of Civil Procedure, Article 200a-1, Sec. 5.003, VATS, and Rule 10 of the Rules of Judicial Administration, the district and statutory county court judges of Gregg County, Texas, hereby adopt the hereto attached amendment to local rules of administration governing trial settings and docket management of cases on file in the Office of the District Clerk of Gregg County, Texas. Such rules were adopted by unanimous vote of the undersigned at a meeting called for such purpose on this twenty-second day of September, 1988.



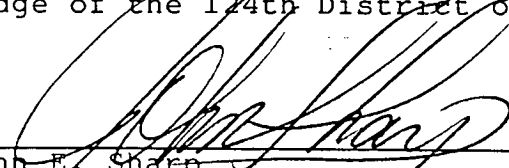
Larry W. Starr, Judge of the
188th District of Texas and
Local Administrative Judge
of Gregg County, Texas



William E. Martin, III
Judge of the 307th District of Texas



Alvin G. Khoury
Judge of the 124th District of Texas



John E. Sharp
Judge of the County Court at Law
of Gregg County, Texas



HAZEL M. PIKE
COURT REPORTER

LARRY W. STARR, JUDGE
188TH JUDICIAL DISTRICT COURT
GREGG COUNTY
LONGVIEW, TEXAS 75606

CHERYL ROSSON
COURT COORDINATOR

P. O. BOX 3651
214-758-6181

MEMBERS OF THE GREGG COUNTY BAR ASSOCIATION AND OTHER INTERESTED PERSONS:

The basic scheme for trial settings and docket management of cases on file in the office of the District Clerk of Gregg County, Texas (other than family law cases) will continue to be operative with a new calendar for year 1989 (a copy of which is enclosed) and some "fine tuning" of the rules by amendment (a copy of which is also enclosed). These are to be in effect for settings after December 31, 1988.

Your attention is called to two MAJOR CHANGES for you and your office staff to be aware of:

(1) Trial readiness reports are to be postmarked on the TUESDAY 27 days before the trial setting. (This is backed up one week to give more time between the mailing of the Updated Trial List and the trial date.)

(2) Motions for continuance need not be filed unless (and until) the case appears on the Updated Trial List. (To cut down on paper work if announcements make a motion moot anyway).

A new booklet and trial readiness report cards are being placed with the printer for availability as to trial settings for new year.

Sincerely,

A handwritten signature in cursive script that reads "Larry W. Starr".

Larry W. Starr
Local Administrative Judge

1989 CALENDAR OF TRIAL SETTINGS FOR CASES ON FILE
WITH THE DISTRICT CLERK OF GREGG COUNTY
(Other Than Family Law Cases).

All trials are set requiring appearance in the 124th District Courtroom at 9:00 a.m. on Monday (unless Monday is declared a holiday by the Gregg County Commissioners Court, in which event appearance will occur on the next day of that week which is not a holiday.)

	Week of:
1st MONDAY - 9:00 a.m. - all civil non-jury cases on file not specifically set by written order	January 2, March 6, May 1, July 3, September 4, November 6
2nd MONDAY - 9:00 a.m. - listed criminal jury cases	January 9, March 13, May 8, July 10, September 11, November 13
3rd MONDAY - 9:00 a.m. - all even numbered civil jury cases not specifically set by written order	January 16, March 20, May 15, July 17, September 18, November 20
4th MONDAY - 9:00 a.m. - listed criminal jury cases	January 23, March 27, May 22, July 24, September 25, November 27
5th MONDAY - 9:00 a.m. - all odd numbered civil jury cases not specifically set by written order	January 30, April 3, May 29, July 31, October 2, December 4
6th MONDAY - 9:00 a.m. - listed criminal jury cases	February 6, April 10, June 5, August 7, October 9, December 11
7th MONDAY - 9:00 a.m. - complex civil jury cases and other specially ordered settings	February 13, April 17, June 12, August 14, October 16, December 18
8th MONDAY - 9:00 a.m. - listed criminal jury cases	February 20, April 24, June 19, August 21, October 23, December 25
9th MONDAY (if any) - 9:00 a.m. - complex civil non-jury cases and other specially ordered settings	February 27, June 26, August 28, October 30



STATE OF TEXAS
OFFICE OF COURT ADMINISTRATION
1414 COLORADO STREET, SUITE 602
Post Office Box 12066
Austin, Texas 78711-2066
512/463-1625

Jim Hutcherson

C. Raymond Judice
Administrative Director

Jim Hutcherson
General Counsel

October 5, 1990

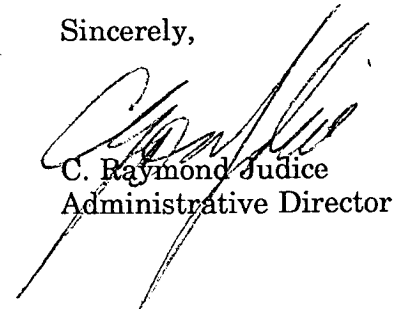
Honorable Larry W. Starr
Judge, 188th District Court
Gregg County Courthouse
Longview, Texas 75606

RE: Amendments to Local Rules of District and County Courts at Law of Gregg County,
dated September 22, 1988

Dear Judge Starr:

Enclosed is a copy of the order of the Supreme Court dated October 3, 1990, approving
the above-referenced rules, and a copy of those rules.

Sincerely,


C. Raymond Judice
Administrative Director

Enclosure

cc: State Law Library
Mr. Luke Soules, Chairman,
Standing Advisory Committee



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

P.O. BOX 12248 CAPITOL STATION
AUSTIN, TEXAS 78711
(512) 463-1312

CLERK
JOHN T. ADAMS

JUSTICES
FRANKLIN S. SPEARS
C. L. RAY
RAUL A. GONZALEZ
OSCAR H. MAUZY
EUGENE A. COOK
JACK HIGHTOWER
NATHAN L. HECHT
LLOYD DOGGETT

EXECUTIVE ASS'T.
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.
MARY ANN DEFIBAUGH

October 4, 1990

Honorable Pat McDowell
Presiding Judge
First Administrative Judicial Region
600 Commerce Street, Room 612
Dallas, Texas 75202

Dear Judge McDowell,

Please find enclosed, a copy of the order of this Court of October 3, 1990 that approves local rules pursuant to your letter of September 10, 1990. Also enclosed, we are returning a copy of your referenced letter and attachments.

Sincerely,

SIGNED
John T. Adams
Clerk

Encl.