

IN THE SUPREME COURT OF TEXAS

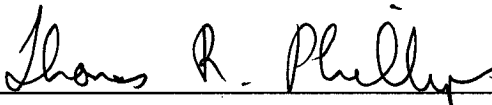
Misc. Docket No. 98-9068

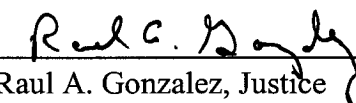
**APPROVAL OF LOCAL RULES FOR THE
THE COUNTY COURTS AT LAW
OF HARRIS COUNTY, TEXAS**

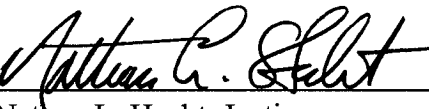
ORDERED that:

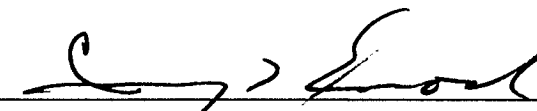
Pursuant to Texas Rule of Civil Procedure 3a, the Supreme Court of Texas approves the Local Rules for the County Courts at Law of Harris, County, Texas. The approval of these rules is temporary pending further orders of the Court.

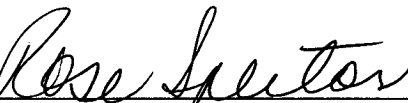
SIGNED AND ENTERED this 29th day of April, 1997.


Thomas R. Phillips, Chief Justice

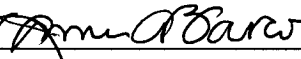

Raul A. Gonzalez, Justice

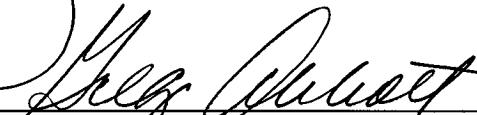

Nathan L. Hecht, Justice

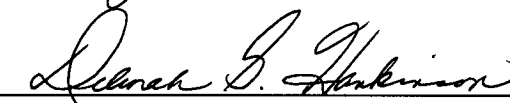

Craig T. Enoch, Justice


Rose Spector, Justice


Priscilla R. Owen, Justice


James A. Baker, Justice


Greg Abbott, Justice


Deborah G. Hankinson, Justice

RULES OF THE HARRIS COUNTY CIVIL COURTS AT LAW

RULE 1. OBJECTIVE

Purpose of Rules. The objective of the rules of the county civil courts at law of Harris County is to obtain a just, fair, equitable and impartial adjudication of the rights of litigants under established principles of substantive law and established rules of procedural law. To the end that this objective may be attained with greatest dispatch and, as may be practicable, with the least expense to litigants and the county, these rules shall be applied to ensure that, so far as reasonably possible, all matters are brought to trial or final disposition in conformity with this objective.

RULE 2. REPORTS

Reports to the Harris County Judge. The county clerk shall supply to all Harris County Civil Court at Law Judges, on a monthly basis, information concerning the number of filings, dispositions, trials and other judicial activities in each county civil court at law.

RULE 3. FLOW OF CASES

3.1.1 Filing and Assignment. Upon being filed, a case in the county civil courts at law shall be assigned randomly to the docket of one of the courts. Once assigned to a court, a case will remain on the docket of that court for all purposes unless transferred as provided in Rule 3.2.

3.2 Transfer

3.2.1 Prior Judgment. Any claim for relief based upon a prior judgment shall be assigned to the court of original judgment.

3.2.2 Non suit. If a case is filed in which there is a substantial identity of parties and causes of action as in a nonsuited case, the later case shall be assigned to the court where the prior case was pending.

3.2.3 Consolidation. A motion to consolidate cases shall be heard in the court where the lowest numbered case is pending. If the motion is granted, the consolidated case will be given the number of the lowest number case and assigned to that court.

3.2.4 Severance. If a severance is granted, the new case will be assigned to the court where the original case pends, bearing the same file date and the same number as the original case with a numeric suffix designation; provided, however, that when a severed case has previously been

consolidated from another court, the case shall upon severance be assigned to the court from which it was consolidated.

3.2.5 Agreement. Any case may be transferred from court to another court by written order of the Administrative Judge of the County Civil Courts at Law division or by written order of the judge of the court from which the case is transferred; provided, however, that in the latter instance the transfer must be with the written consent of the court to which the case is transferred.

3.2.6 Presiding for Another. In cases where a court presides for another court, the case shall remain pending in the original court, except as follows: 1) in any hearing on a motion for contempt, the judge who issued the order which is claimed to have been disobeyed must preside over the motion for contempt, except as otherwise provided in Sec. 21.002, Tex.Gov.Code. and 2) in any hearing on a temporary restraining order, temporary injunction or writs of mandamus and certiorari, the judge who issues the order thereby consents pursuant to 3.2.5 for the case to be transferred from the original court.

3.2.7 Improper Court. If a case is on the docket of a county civil court at law by any manner other than as prescribed by these rules, the Administrative Judge of the County Civil Courts at Law or Administrative Judge of Harris County shall transfer the case to the proper court.

3.3 Motions

3.3.1 Form. Motions shall be in writing and shall be accompanied by a proposed order granting the relief sought. The proposed order shall be a separate instrument, unless the entire motion, order, signature lines and certificate of service are all on one page.

3.3.2 Submission. In the discretion of the court, motions shall state a date of submission which shall be at least 10 days from filing, except on leave of court. The motion will be submitted to the court for ruling on that date or later.

3.3.3 Response. Responses shall be in writing, and shall be filed at least three (3) working days before the date of submission, except on leave of court. Failure to file a response may be considered a representation of no opposition.

3.3.4 Oral argument. If a party views it as necessary, a request for oral argument must accompany the motion or response. The court may grant that request or order oral argument on its own motion. A request for an oral argument is not a response under Rule 3.3.3.

3.4 **Trials**

3.4.1 Manner of Setting. Cases shall be set for trial by order of the court.

3.4.2 Date of Setting. Cases shall be set for trial for a date certain. If a case is not assigned to trial by the Friday after the date it was set, whether because of a continuance or because it was not reached, the court shall reset the case to a date certain. Unless all parties agree otherwise, the new setting must comply with all requisites of T.R.C.P. 245.

3.4.3 Preference for ADR. In the discretion of the court, preference in setting cases for trial shall be given to matters in which the parties have participated in alternate dispute resolution procedures.

3.4.4 Assignment to Trial. A case is assigned to trial when counsel are called to the court to commence the jury or non-jury on the merits. For purposes of engaged counsel, no court may have more than one case assigned to trial at any one time.

3.4.5 Dead Weeks. Except with the consent of all parties, no cases will be assigned to trial on the merits during:

- 1) The week of the Second Administrative Judicial Conference (February or March);
- 2) The week of the State Bar Convention (June);
- 3) The week of the Conference of the Judicial Section (September); and
- 4) The last week of December.

3.6 **Dismissal Dockets.**

The following cases are eligible for dismissal for want of prosecution pursuant to T.R.C.P. 165a:

- 1) Cases on file for more than 180 days in which no answer has been filed or is required by law;
- 2) Cases which have been on file for more than eighteen months and are not set for trial;

- 3) Cases in which a party or his attorney has failed to take any action specified by the court.

3.7 Filing Discovery.

- (1) Discovery and Related Materials Required to be Filed:

Texas Rules of Civil Procedure:

Answers and objections to Rule 168 "Interrogatories to Parties".

Answers and objections to Rule 169 "Requests for Admission".

Answers and objections to Rule 621a "Discovery and Enforcement of Judgment".

Texas Civil Practice and Remedies Code:

Sec. 18.001 "Affidavit Concerning Cost and Necessity of Services"

Sec. 18.002 "Form of Affidavit"

a) Discovery responses and related material listed in Rule 3.7(1) shall be served upon all other counsel or parties and filed with the Clerk as required by the Texas Rules of Civil Procedure and the Texas Practice and Remedies Code.

- (2) Discovery and Related Materials Not to be Filed Except on Special Order:

Texas Rules of Civil Procedure

Rule 167. "Discovery and Production of Documents and Things for Inspection, Copying or Photographing" and Responses

Rule 168. "Interrogatories to Parties"

Rule 169. "Requests for Admissions"

Rule 621a. "Discovery and Enforcement of Judgment"

Texas Rules of Civil Evidence:

Rule 902(10) "Business records accompanied by affidavit"

a) Discovery and related material listed in Rule 3.7(2) shall be served upon all other counsel or parties as required by the Texas Rules of Civil Procedure but shall not be filed with the Clerk except on special order of the Judge of the Court.

b) The party responsible for the service of the discovery and related materials listed in Rule 3.7(2) shall retain the original or exact copy and shall file a certificate with the clerk as follows:

(i) A certificate entitled "Certificate of Written Discovery" shall be signed by the attorney of record and filed with the Clerk when every discovery and related materials listed in Rule 3.7(2) are sent to another party. The certificate may list more than one document. The certificate shall identify:

- (1) the document containing the discovery and related material,
- (2) counsel or parties to whom the document is sent, and
- (3) the date the document is served.

(ii) The original or an exact copy of the discovery and related materials listed in Rule 3.7.(2) shall be retained while the case and any related appellate proceedings are pending and for one year thereafter.

(3) Filing Motions Involving Discovery Disputes. If relief is sought concerning any discovery dispute, a party may file copies of only those portions of the material related to the dispute.

(4) Filing for Use With Summary Judgment and Other Pretrial Motions. A party may file discovery and related materials in support of a motion for summary judgment, or for any response or reply to such a motion, or for any other pretrial motion or response or reply.

(5) Filing for Appeal or Other Post-Judgment Purposes. A party may file discovery materials not previously on file for use on appeal or other post-judgment purposes.

3.8 Administrative Judge of the County Civil Courts at Law.

3.8.1 The Administrative Judge of the County Civil Courts at Law shall be elected for a term on one calendar year by the judges of the county civil courts at law in the regular December meeting of the judges of the county civil courts at law.

3.8.2 The Administrative Judge of the County Civil Courts at Law may by written order designate any other judge of the division to act in his/her place if he/she is absent or unable to act. The judge so designated shall have all the duties and authority granted by these Rules to the Administrative Judge of the County Civil Courts at Law during the period of the designation.

RULE 7. CONFLICTING ENGAGEMENTS

7.1 Inter-County. The rules of the Second Administrative Judicial Region control conflicts in settings of all cases between a Harris County court and a court not in Harris County.

7.2 Intra-County. Among the trial courts sitting in Harris County:

1. Trial/Trial. A trial setting that is assigned takes precedence over a conflicting trial setting not yet assigned.
2. Trial/Non-Trial. Trial settings take precedence over conflicting non-trial settings except as provided herein;
3. Non-Trial/Pre-Trial. The matter which was first filed, regardless of cause number, shall take precedence over non-trial settings, non-court ordered alternate dispute resolution and non-court ordered depositions.

7.3 Waiver. The court with precedence may yield.

7.4 Lead Counsel. This rule operates only where lead counsel, as defined by T.R.C.P. 8, is affected, unless the court expands coverage to other counsel.

7.5 Reporting of Conflicting Engagements. It is the duty of counsel to report promptly to a court immediately upon learning of a conflicting engagement that might preclude that counsel's availability for trial.

RULE 8. VACATIONS OF COUNSEL

8.1 The County Civil Courts will honor the written designations for Summer vacation weeks and/or non-Summer vacation weeks filed with the district clerk pursuant to the Local Rules of the Civil Trial Division of the Judicial District Courts of Harris County, *except for cases preferentially set for trial prior to the vacation designation*. An attorney may designate not more than four weeks of vacation during a calendar year as vacation, during which that attorney will not be assigned to trial or required to engage in any pretrial proceedings. This rule operates only where lead counsel, as defined by T.R.C.P. 8, is affected, unless the trial court expands coverage to other counsel.

8.2 Summer vacations. Summer vacation weeks so designated will protect the attorney from trials during those summer weeks, even if an order setting the case for trial was signed before the vacation designation was filed, *except in cases preferentially set for trial prior to the vacation designation.*

8.3 Non-summer vacations. Non-summer vacation weeks may not run consecutively for more than two weeks at a time. Non-summer vacation weeks so designated will not protect an attorney from a trial by an order signed before the date the designation is filed.

RULE 10. MEETINGS

The judges of the County Civil Courts at Law shall meet regularly each month at such times and places as the Administrative Judge of the County Civil Courts at Law may direct by a written notice distributed at least 72 hours in advance of the meeting, except in the case of an emergency.

RULE 15. EFFECTIVE DATE AND AMENDMENTS

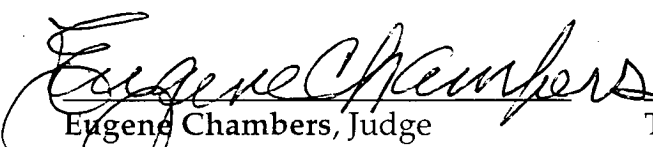
15.1 Effective Date. These rules shall become effective on December 1, 1997, or upon their approval by the Texas Supreme Court pursuant to T.R.C.P. 3a, whichever comes later.

15.2 Cross-Reference. Any reference in these rules to a statute or a court rule shall also apply to any successor statute or court rule, whether by recodification, revision or amendment.

15.3 Applicability. The foregoing rules are applicable to both jury and non-jury cases.

The foregoing are hereby Ordered and Adopted as the Rules of the County Civil Courts at Law of Harris County, Texas and the County Clerk is hereby directed to record a copy of this order in the minutes of each of said courts.

Signed this _____ day of December, 1997.


Eugene Chambers, Judge
County Civil Court at Law No. 1


Tom Sullivan, Judge
County Civil Court at Law No. 2


Lynn Bradshaw-Hull, Judge
County Civil Court at Law No. 3


Cynthia Crowe, Judge
County Civil Court at Law No. 4



SECOND ADMINISTRATIVE JUDICIAL REGION OF TEXAS

OLEN UNDERWOOD
PRESIDING JUDGE

JUDY M. GEIGER
ADMINISTRATIVE ASSISTANT

VIKKI L. NELSON
REGIONAL OFFICE MANAGER

April 20, 1998

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

Local Rules: Harris County Courts at Law

Dear Justice Hecht:

Enclosed are Local Rules of the Harris County Courts at Law, within the Second Administrative Region.

I hereby approve these Local Rules, and forward a copy to you. Please advise this office upon the Court's approval.

Thank you for your usual courtesies.

Sincerely,

A handwritten signature in black ink, appearing to read "Olen Underwood".

Olen Underwood

Enclosures

Cc: Honorable Lynn Bradshaw-Hull

LYNN BRADSHAW-HULL
Judge, County Civil Court at Law No.3



Harris County Civil Courts Building ★ 301 Fannin ★ Houston, Texas 77002 ★ (713) 755-5788 ★ Fax (713) 755-8843

March 18, 1998

Judge Olen Underwood, Administrative Judge
Second Administrative Judicial Region of Texas
301 N. Main, Suite 228
Conroe, TX 77301

RE: Proposed Local Rules of Harris County Civil Courts at Law

Dear Judge Underwood:

We are enclosing the proposed local rules of Harris County Civil Courts at Law which were approved by all four courts as reflected by signature.

Please feel free to contact me as the division presiding judge in this matter.

My best regards,

A handwritten signature in cursive script that reads "Lynn Bradshaw-Hull".

Lynn Bradshaw-Hull
Division Presiding Judge

VICK!
Forward to Sup Ct
w/cover over my sign
approving Rules & Request
their approval. CC
Bradshaw Hull

755 6886
6581

755-8913



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

CLERK
JOHN T. ADAMS

JUSTICES
RAUL A. GONZALEZ
NATHAN L. HECHT
CRAIG T. ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON

EXECUTIVE ASS'T
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

April 29, 1998

Hon. Lynn Bradshaw-Hull
County Court at Law No. 3
301 Fannin
Houston, Texas 77002

Dear Judge Bradshaw-Hull,

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

Sincerely,

SIGNED

John T. Adams
Clerk

Encl.

cc: Hon. Olen Underwood
2nd Admin Judicial Rgn

District Clerk

County Clerk

Supreme Court Adv Committee

Mr. Jerry Benedict
Office of Court Admin

- State Law Library