

**IN THE SUPREME COURT OF TEXAS**

Misc. Docket No. 02- 9094

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**ORDER APPROVING LOCAL ADMINISTRATIVE RULES OF THE DISTRICT  
COURTS AND COUNTY COURTS-AT-LAW OF LUBBOCK COUNTY**


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**ORDERED that:**


Pursuant to Rule 3a of the Texas Rules of Civil Procedure, the following Local Administrative Rules of the District Courts and County Courts-at-law of Lubbock County are approved. This approval is temporary pending further orders of the Court.

SIGNED AND ENTERED this 21<sup>st</sup> day of May, 2002.

  
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Thomas R. Phillips, Chief Justice

  
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Nathan L. Hecht, Justice

  
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Craig T. Enoch, Justice

  
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Priscilla R. Owen, Justice

  
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James A. Baker, Justice

*Deborah G. Hankinson*

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Deborah G. Hankinson, Justice

*Harriet O'Neill*

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Harriet O'Neill, Justice

*Wallace B. Jefferson*

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Wallace B. Jefferson, Justice

*Xavier Rodriguez*

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Xavier Rodriguez, Justice

LOCAL ADMINISTRATIVE RULES  
of the  
DISTRICT COURTS  
and  
COUNTY COURTS-AT-LAW  
of  
LUBBOCK COUNTY, TEXAS

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RULE 1 - GENERAL

Rule 1.10 Court Sessions, Annual Calendars, Holidays

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

Rule 1.11 Hours of Court Proceedings

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

RULE 2 - LOCAL ADMINISTRATIVE JUDGE

Rule 2.10 Powers and Duties of Local Administrative Judge

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

Rule 2.20 Court Divisions

- (A) The District Courts of Lubbock County are General Jurisdiction Courts, but each court will primarily hear either civil or criminal cases according to the following table:

72 <sup>nd</sup> District Court:	Civil
99 <sup>th</sup> District Court:	Civil
237 <sup>th</sup> District Court:	Civil
137 <sup>th</sup> District Court:	Criminal
140 <sup>th</sup> District Court:	Criminal
364 <sup>th</sup> District Court:	Criminal

- (B) Each of the District Courts shall continue to hear family and tax cases.

- (C) The County Courts at Law of Lubbock County are General Jurisdiction Courts, but each court will primarily hear either civil or criminal cases according to the following table:

County Court at Law No. One:	Criminal
County Court at Law No. Two:	Criminal
County Court at Law No. Three:	Civil

- (D) The judges by their annual calendar shall provide for the district judge to be assigned to the central jury pool for each week. Other matters such as extradition hearings and emergency matters shall be heard by the judge presiding in the central jury pool for that week.

### RULE 3 - CIVIL CASES

#### Rule 3.10 Policy Statement

It is the purpose of the Board of Judges of Lubbock County, Texas to provide a system of effective case flow for all civil cases filed in these courts. Taking into account the rights of litigants, their attorneys, the costs associated with cases filed, the responsibility of ensuring all parties a fair and timely resolution of their disputes, and numerous other factors and case management studies, the Board of Judges of Lubbock County will implement rules and procedures to accomplish this purpose.

It is to be noted that the Board of Judges has asked for and received suggestions from the Lubbock County Bar and has adopted many of the suggestions provided by committees named by the Bar for this specific purpose. It is the responsibility of the courts to establish procedures for the timely and effective disposition of civil cases. In fulfilling its responsibility, the Board of Judges wishes to build continuing respect by the community for the established judicial system of government available to all people.

These rules are not intended to conflict with any applicable promulgated statute or rule, and in the event of such conflict, the promulgated rule or statute shall prevail.

#### Rule 3.20 Policy Goals

The goals of the Lubbock County Board of Judges with respect to the courts hearing civil matters are:

- (A) To provide an effective and fair procedure for the timely disposition of civil cases.
- (B) To provide a mechanism to gather needed case information in order to make appropriate judicial management decisions.

- (C) To establish reasonable rules and policies to require the disposition of cases without unnecessary delays or interruptions.
- (D) To establish early judicial intervention with attorney input in order to have an orderly and speedy proceeding.
- (E) To provide parties and their respective attorneys a clear understanding of the specific chronological order and requirements of scheduled events in their respective case.

Rule 3.30 Case Level and Deadlines for Disposition

In order to effectuate the above goals, it is the intent of the Lubbock County Board of Judges to differentiate between cases according to their anticipated complexity and length. In the discretion of the courts and in accordance with established rules of procedure, cases will be generally assigned according to levels as follows:

(A) Level One

These cases will be concluded at the trial level no later than 12 months from the date of filing. 90% of these cases will be concluded within 8 months. 98% will be concluded within 10 months. 100% will be concluded within 12 months.

(B) Level Two

These cases will be concluded at the trial level no later than 18 months from the date of filing. 90% will be concluded within 14 months. 98% will be concluded within 16 months. 100% will be concluded within 18 months.

(C) Level Three

These cases will be concluded within 24 months. 90% will be concluded within 20 months. 98% will be concluded within 22 months. 100% will be concluded within 24 months.

The Board of Judges realizes that there may be extenuating circumstances and each court retains the right to schedule cases as it sees appropriate in accomplishing the goals as set out herein above.

Rule 3.40 Case Level Definitions and Time Frames

(A) Level One:

Suits in which plaintiffs seek only monetary relief of \$50,000.00 or less. (See Tex. R. Civ. P. 190.1. Changes to this rule will be made in accordance with the



rules of procedure, i.e. monetary amount, if necessary.) These cases shall be tried no later than 12 months from time of filing. The trial date shall be set at the discretion of the court, taking into consideration the complexity of the case.

(1) Scheduling Orders:

Within 20 days from the date of first answer filed in a case, counsel are to confer as to the content of a scheduling order. If counsel agree on content and deadline dates, the plaintiff named first in the lawsuit shall submit a scheduling order to the court within 30 days from first answer date. If counsel do not agree, a hearing must be requested and the request received by the court within 23 days from first answer date. A hearing will be held and an order entered within 30 days from first answer date. If no hearing is requested within the designated time or if an agreed order is not submitted, the court will enter its own order at 5:00 o'clock p.m. 30 days from the date of first answer. (See the attached Court's Default Scheduling Order)

(2) Joinder of Parties, etc.:

Joinder of Parties, Plaintiff's Designation of Expert Witnesses, Defense Designation of Expert Witnesses, Discovery Deadlines, and any other matter, except those matters outlined in Rule 3.40(A)(3), (4), (5) and (6) will be done by agreement of counsel, or by the court if no agreement is reached, as outlined in Rule 3.40(A)(1). Any agreement by the attorneys shall not conflict with the assigned trial date or other events set by the court.

(3) Filing of Dispositive Motions:

All dispositive motions shall be filed and necessary hearings requested no later than 105 days before trial date. If the court fails to rule within 30 days, and upon the request of one of the parties, a hearing will be held for the specific purpose of assessing the remainder of the scheduling order and trial date.

(4) Challenges to Experts:

All challenges to expert witnesses or objections to expert witnesses shall be filed as follows:

Challenge to the Plaintiff's expert witnesses shall be filed at least 120 days before the trial date. If the court strikes the expert the Plaintiff shall have 30 days to designate a new expert. During those 30 days, the court will not consider any motions for summary judgment as concerns expert witnesses. If a new expert is designated, the opposing parties will have 30

days to designate any rebuttal experts.

Challenge to Defense expert witnesses shall be filed at least 90 days before trial date. If the court strikes the expert, the Defense will have 30 days to designate a new expert. During those 30 days, the court will not consider any motions for summary judgment as concerns expert witnesses.

(5) Alternative Dispute Resolution:

ADR shall take place no later than 30 days before trial. ADR may take place at any earlier time to which the parties may agree or at a time designated by the court, whichever is sooner. Cases will automatically be sent to the Dispute Resolution Center or a Neutral Mediator, selected by the parties, to be set at least 30 days before trial, unless the attorneys agree to an earlier date and that date is available with the Center. The court may designate a date prior to the 30 days if it deems it necessary to accomplish the purpose and goals of the Lubbock County Board of Judges.

(6) 30 Days Prior To Trial:

During this 30 day period, the court at its discretion may set a Trial Management Conference, a Scheduling Conference (the court may set other scheduling conferences throughout the proceeding of the case and prior to this 30 day period), a Settlement Conference, or any other hearing or matter the court deems appropriate to accomplish the purpose and goals of the Lubbock County Board of Judges.

(B) Level Two:

All cases as outlined in Tex. R. Civ. P. 190.3. These cases shall be concluded within 18 months from the date of filing. The trial date shall be set at the discretion of the court, taking into consideration the complexity of the case.

(1) Scheduling Orders:

Within 30 days from the date of first answer filed in a case, counsel are to confer as to the content of a scheduling order. If counsel agree on content and deadline dates, the plaintiff named first in the lawsuit shall submit a scheduling order to the court within 40 days from first answer date. If counsel do not agree, a hearing must be requested and the request received by the court within 33 days from first answer date. A hearing will be held and an order entered within 40 days from first answer date. If no hearing is requested within the designated time or if an agreed order is not submitted, the court will enter its own order at 5:00 o'clock p.m. 40 days from the date of first answer. (See the attached Court's Default Scheduling Order)

(2) Joinder of Parties, etc.:

Joinder of Parties, Plaintiff's Designation of Expert Witnesses, Defense Designation of Expert Witnesses, Discovery Deadlines, and any other matter, except those matters outlined in Rule 3.40(B)(3), (4), (5) and (6), will be done by agreement of counsel or by the court if no agreement is reached as outlined in Rule 3.40(B)(1). Any agreement by the attorneys shall not conflict with the assigned trial date or other events set by the court.

(3) Filing of Dispositive Motions:

All dispositive motions shall be filed and necessary hearings requested no later than 105 days before trial date. If the court fails to rule within 30 days, and upon the request of one of the parties, a hearing will be held for the specific purpose of assessing the remainder of the scheduling order and trial date.

(4) Challenges to Experts:

All challenges to expert witnesses or objections to expert witnesses shall be filed as follows:

Challenge to the Plaintiff's expert witnesses shall be filed at least 120 days before the trial date. If the court strikes the expert the Plaintiff shall have 30 days to designate a new expert. During those 30 days, the court will not consider any motions for summary judgment as concerns expert witnesses. If a new expert is designated, the opposing parties will have 30 days to designate any rebuttal experts.

Challenge to Defense expert witnesses shall be filed at least 90 days before trial date. If the court strikes the expert, the Defense will have 30 days to designate a new expert. During those 30 days, the court will not consider any motions for summary judgment as concerns expert witnesses.

(5) Alternative Dispute Resolution:

ADR shall take place no later than 30 days before trial. ADR may take place at any earlier time to which the parties may agree or at a time designated by the court, whichever is sooner. Cases will automatically be sent to the Dispute Resolution Center or Neutral Mediator, selected by the parties, to be set at least 30 days before trial, unless the attorneys agree to an earlier date and that date is available with the Center. The court may designate a date prior to the 30 days if it deems it necessary to accomplish the purpose and goals of the Lubbock County Board of Judges.

(6) 30 Days Prior To Trial:

During this 30 day period, the court at its discretion may set a Trial management Conference, a Scheduling Conference (the court may set other scheduling conferences throughout the proceeding of the case and prior to this 30 day period), a Settlement Conference, or any other hearing or matter the court deems appropriate to accomplish the purpose and goals of the Lubbock County Board of Judges.

(C) Level Three:

All cases as outlined in Tex. R. Civ. P. 190.4. These cases shall be tried no later than 24 months from date of filing. The trial date shall be set at the discretion of the court, taking into consideration the complexity of the case.

(1) Scheduling Orders:

Within 45 days from the date of first answer filed in a case, counsel are to confer as to the content of a scheduling order. If counsel agree on content and deadline dates, the plaintiff named first in the lawsuit shall submit a scheduling order to the court within 60 days from first answer date. If counsel do not agree, a hearing must be requested and the request received by the court within 50 days from first answer date. A hearing will be held and an order entered within 60 days from first answer date. If no hearing is requested within the designated time or if an agreed order is not submitted, the court will enter its own order at 5:00 o'clock p.m. 60 days from the date of first answer. (See the attached Court's Default Scheduling Order)

(2) Joinder of Parties, etc:

Joinder of Parties, Plaintiff's Designation of Expert Witnesses, Defense Designation of Expert Witnesses, Discovery Deadlines, and any other matter, except those matters outlined in Rule 3.40(C)(3), (4), (5) and (6) will be done by agreement of counsel or by the court if no agreement is reached as outlined in Rule 3.40(C)(1). Any agreement by the attorneys shall not conflict with the assigned trial date or other events set by the court.

(3) Filing of Dispositive Motions:

All dispositive motions shall be filed and necessary hearings requested no later than 105 days before trial date. If the court fails to rule within 30 days, and upon the request of one of the parties, a hearing will be held for the specific purpose of assessing the remainder of the scheduling order and trial date.

(4) Challenges to Experts:

All challenges to expert witnesses or objections to expert witnesses shall be filed as follows:

All challenges or objections to expert witnesses shall be made within 45 days following the latter of the following dates: 1) Designation; 2) Furnishing of written report and curriculum vitae; or 3) Deposition. Neither of these dates or events may conflict with Rule 3.40(C)(6) below. If the court strikes the Plaintiff's expert, the Plaintiff shall have 30 days to designate a new expert. During those 30 days, the court will not consider any motions for summary judgment as concerns expert witnesses. If a new expert is designated, the opposing parties will have 30 days to designate any rebuttal experts. If the court strikes the Defense's expert, the Defense will have 30 days to designate a new expert. During those 30 days, the court will not consider any motions for summary judgment as concerns expert witnesses.

(5) Alternative Dispute Resolution:

ADR shall take place no later than 30 days before trial. ADR may take place at any earlier time to which the parties may agree or at a time designated by the court, whichever is sooner. Cases will automatically be sent to the Dispute Resolution Center or a Neutral Mediator, selected by the parties, to be set at least 30 days before trial, unless the attorneys agree to an earlier date and that date is available with the Center. The court may designate a date prior to the 30 days if it deems it necessary to accomplish the purpose and goals of the Lubbock County Board of Judges.

(6) 30 Days Prior To Trial:

During this 30 day period, the court at its discretion may set a Trial Management Conference, a Scheduling Conference (the court may set other scheduling conferences throughout the proceeding of the case and prior to this 30 day period), a Settlement Conference, or any other hearing or matter the court deems appropriate to accomplish the purpose and goals of the Lubbock County Board of Judges.

Rule 3.50 Definitions

- (A) Dispositive Motions: These motions include Motions to Transfer Venue, Motions to Dismiss, Pleas to the Jurisdiction, Pleas in Bar, Motions for Summary Judgment and Pleas in Abatement. (Summary Judgment Motions will be heard by submission of briefs only unless oral arguments have been requested and granted by the trial court.)

- (B) ADR: Alternative Dispute Resolution
- (C) DCM: Differentiated Case Management
- (D) TMC: Trial Management Conference

Rule 3.55 Filings

- (A) The District Clerk will file all new civil cases, other than family law and tax cases, on a random basis among the 72<sup>nd</sup> District Court, the 99<sup>th</sup> District Court and the 237<sup>th</sup> District Court, utilizing a computer software program designed for this purpose. Said software program will ensure that each of the three (3) said District Courts will be assigned an equal number of civil cases on a random basis. The District Clerk will continue to assign Tax cases to each of the six (6) District Courts on a random basis as is currently being done. The District Clerk will continue to assign Family law cases to each of the six (6) District Courts and three (3) County Courts at Law on a random basis as is currently being done.
- (B) The County Clerk will file all new civil cases in County Court at Law # 3.
- (C) A "Case Information Sheet" must be filed along with a new petition, and a "Response Information Sheet" must be filed along with an original answer. The District Clerk and County Clerk will accept filings on new cases without a completed "Case Information Sheet" being attached, however, the clerks will inform the filing party that the "Case Information Sheet" must be filed within ten (10) days of the date of filing the petition or the case will be placed on a "Dismiss for Want of Prosecution" docket by the court. The District Clerk and County Clerk will accept answers for filing without a completed "Response Information Sheet", but will inform the filing party that a completed "Response Information Sheet" must be filed within ten (10) days of the filing of the answer.

RULE 4 - FAMILY LAW CASES

Rule 4.10 Parental Notification

An application for an order under Section 33.003, Family Code , may be filed in a district court, a county court-at-law, or a court having probate jurisdiction. The application must be filed with the district clerk of Lubbock County, who will assign the application to a court as provided by these local rules. If the county clerk receives an application under this rule, the application must be accepted, but the county clerk must then transfer it instanter to the district clerk, and must advise the person tendering the application where it is being transferred.

The district clerk will assign the application to the appropriate court utilizing a rotating

system. Each of the eligible courts will be assigned applications under this section for a period of one calendar month pursuant to the following schedule:

- Month 1: 72<sup>nd</sup> District Court
- Month 2: 99<sup>th</sup> District Court
- Month 3: 137<sup>th</sup> District Court
- Month 4: 140<sup>th</sup> District Court
- Month 5: 237<sup>th</sup> District Court
- Month 6: 364<sup>th</sup> District Court
- Month 7: County Court at Law No. 1
- Month 8: County Court at Law No. 2
- Month 9: County Court at Law No. 3
- Month 10: County Court
- Month 11: 72<sup>nd</sup> District Court
- Month 12 and beyond: repeat rotation

If the judge of the assigned court is unavailable, then the district clerk shall assign the application to a judge selected by the local administrative judge.

#### Rule 4.20 Policy Statement

It is the goal of these rules that case disposition in family law matters shall be accomplished as effectively and efficiently as possible, in a just and timely manner. To achieve this goal, cases will be assigned a level according to the anticipated complexity of the case. The Judges recognize that family law cases have peculiarities which require special consideration such as reconciliation efforts and counseling. Each court retains the right to schedule a case as it deems appropriate and must do so when the interest of justice requires, taking into consideration the complexity and circumstances of the case pursuant to Rule 190.5 of the Texas Rules of Civil Procedure, as amended.

These rules are not intended to conflict with any applicable statute or the Texas Rules of Civil Procedure. In the event of such conflict, the applicable statute or Texas Rules of Civil Procedure shall prevail.

#### Rule 4.25 Case Level and Time Standards for Case Disposition

##### (A) Level One:

Any suit for divorce not involving children in which a party pleads that the value of the marital estate is more than zero but not more than \$50,000 should be concluded at the trial level within three months from the answer due date.

##### (B) Level Two:

Any suit brought under Title 1, 2, or 5 of the Texas Family Code and/or

substantial property issues should be concluded at the trial level no later than nine months from the answer due date.

(C) Level Three:

Any suit brought under Title 1, 2, or 5 of the Texas Family Code and/or substantial property issues, and/or complex legal or factual issues should be concluded at the trial level no later than 12 months from the answer due date.

Rule 4.30 Scheduling Conference and Order

(A) Scheduling Conference

A scheduling conference will be set approximately 30 to 60 days after the answer due date. Prior to the scheduling conference, the parties may seek temporary orders, proceed with discovery, set the case for hearings or final trial in accord with the Texas Rules of Civil Procedure and these rules.

(B) Scheduling Order

At the time of the scheduling conference, or by agreement prior to the date of the scheduling conference, a scheduling order will be entered scheduling the case for trial and setting forth deadlines and agreements of the parties necessary to prepare the case for trial.

If an attorney or a pro se party fails to appear at a scheduling conference without good cause, the scheduling order may be entered in his or her absence.

Rule 4.35 Ancillary Proceedings, Temporary Orders and Emergency Matters

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

- (1) motions to modify child support;
- (2) motions to modify visitation orders;
- (3) motions for temporary restraining orders and motions for temporary orders in suits for divorce or annulment;
- (4) motions for temporary restraining orders and motions for temporary orders in suits affecting the parent-child relationship;
- (5) a habeas corpus proceeding;



- (6) motions to enforce child support;
  - (7) hearings requested pursuant to Title 4 of the Texas Family Code;
  - (8) hearings required by Chapter 262 and 263 of the Texas Family Code;
  - (9) motions to transfer;
  - (10) motions to withdraw;
  - (11) motions to dismiss;
  - (12) any other matter referred to the associate judge by the presiding judge.
- (B) All motions on ancillary proceedings, temporary orders and emergency matters shall be presented to the court coordinator of the associate judge for scheduling for hearing before the associate judge. A request for hearing document shall accompany the order setting hearing. Orders setting hearings are to be signed by the associate judge or trial judge. Proper notice or service shall be the responsibility of the moving attorney or pro se party. A scheduling order shall not be required for hearings set out above unless ordered by the Judge.

Rule 4.40 Referral to Master

- (A) A master has been duly appointed for the district courts and county courts-at-law of Lubbock County and the following will be heard originally by the master:
- (1) All cases filed pursuant to Title IV-D of 42 U.S.C. Sections 651, et seq., by direction of § 201.101 et seq. of the Family Code;
  - (2) All support, contempt, and visitation matters in which the Texas Department of Human Resources is represented by the Texas Attorney General's Office;
  - (3) Any other matter referred to a master by the presiding judge.
- (B) Time for Disposition of Title IV-D Cases

Title IV-D cases must be completed in accordance with § 201.110 of the Texas Family Code.

Rule 4.45 Alternative Dispute Resolution

- (A) Policy

In family law matters, it shall be the policy of the Board of Judges of Lubbock County, Texas to encourage the peaceable resolution of disputes and early settlement of pending litigation, including family law litigation, by referral to alternative dispute resolution (ADR) pursuant to the Texas Alternative Dispute Resolution Procedures Act, Texas Civil Practice and Remedies Code, Chapter 154.

(B) ADR Mandatory

No jury or nonjury trial shall be conducted in any case (except juvenile delinquency cases) until all contested issues have been referred to an ADR procedure and ADR has been unsuccessful, or the Court has determined that ADR is inappropriate for the case. ADR shall be completed no later than 30 days before trial.

(C) Manner of Referral

It is anticipated that the parties shall cooperate in an ADR procedure, under the terms and conditions ordered by the Court. After a date of completion for ADR is provided in the scheduling order, the Dispute Resolution Center (DRC) shall contact the parties by letter regarding the scheduling of mediation. Should the parties agree to use a selected neutral for this case, they shall notify the DRC and court within seven (7) days naming a neutral of their choice. The case will proceed according to the scheduling order. The selected neutral shall report the outcome of the ADR procedure to the DRC and court consistent with the provisions of the Tex. Civ. Prac. & rem. Code Ann. Section 154.

(D) Objection to Referral

If the court enters an order of referral to an ADR procedure, any party may object to such referral pursuant to Texas Civil Practice and Remedies Code, Chapter 154. Upon the filing of an objection, the court shall schedule a hearing. If the Court finds that there is a reasonable basis for the objection, the court shall order that the case not be referred to an ADR procedure and order the case set for trial on the merits.

Rule 4.55 Documents Required

- (A) A "Case Information Sheet" must be filed along with a new petition, and a "Response Information Sheet" must be filed along with an original answer. The District Clerk and County Clerk will accept filings on new cases without a completed "Case Information Sheet" being attached, however, the clerks will inform the filing party that the "Case Information Sheet" must be filed within ten (10) days of the date of filing the petition or the case will be placed on a "Dismiss for Want of Prosecution" docket by the court. The District Clerk and County

Clerk will accept answers for filing without a completed "Response Information Sheet", but will inform the filing party that a completed "Response Information Sheet" must be filed within ten (10) days of the filing of the answer.

- (B) In all cases in which support of a spouse and/or child(ren) is in issue, whether temporary or final, each party shall be required to furnish to the court and opposing party:
- (1) A statement of monthly income and expenses.
  - (2) Copies of that party's federal income tax returns for the two calendar years prior to the hearing.
  - (3) All payroll statements, pay stubs, W2 forms, and 1099 forms which evidence that party's earnings for the calendar year prior to the hearing and from January 1 of the current year through the date of the hearing.
  - (4) Copies of any financial statements filed by that party with any financial institution in the two years prior to the hearing.
- (C) In all suits involving child support, each party who is a parent shall furnish to the court the information described for determination of child support set out in Section 154.063, Texas Family Code, as amended.

(D) Inventory and Appraisement

(1) Inventory and Appraisement Required

In all cases in which the character, value or division of property or debts is in issue, each party shall file, not less than thirty (30) days prior to final hearing, a sworn inventory and appraisement of all of the separate and community property owned or claimed by the parties and all debts and liabilities owed by the parties.

(2) Composite Inventory and Appraisement

After each party's sworn inventory and appraisement has been filed, the parties shall file a composite inventory and appraisement, which will include all items on each party's sworn inventory and appraisement. The petitioner shall initiate the composite inventory and forward it to the respondent for completion not less than seven (7) days prior to trial. The respondent shall complete and file the composite inventory with the court and serve a copy of the same on the petitioner not less than three (3) days prior to trial. On the composite inventory, each party will indicate in the space provided any asset or liability he or she requests as an award from

the court. All values assigned by the parties will be assumed by the court to fairly represent the value each party assigns to the asset or liability described.

(3) Sanctions for Failure to File

If a party or the parties fail to prepare and/or file the initial inventory as required, the court may conduct a pretrial hearing and make such orders with regard to the failure as are just, including but not limited to, sanctions pursuant to Rule 215(2)(b) of the Texas Rules of Civil Procedure, as amended.

Rule 4.60 Duration of Orders

No temporary order shall exceed one year in duration from the date the order is signed, except by agreement of the parties or order of the court.

Rule 4.65 Parent Education and Family Stabilization Course

(A) Seminar Mandatory

(1) All parties in original suits affecting the parent-child relationship or in suits to modify existing orders of conservatorship or possession shall attend and complete an educational seminar. The content of the seminar or course shall include, but not be limited to:

- (a) the emotional effects of divorce on parents;
- (b) the emotional and behavioral reactions to divorce by young children and adolescents;
- (c) parenting issues relating to the concerns and needs of children at different developmental stages;
- (d) stress indicators in young children and adolescents;
- (e) conflict management;
- (f) family stabilization through development of a co-parenting relationship;
- (g) the financial responsibilities of parenting;
- (h) family violence, spousal abuse, and child abuse and neglect; and
- (i) the availability of community services and resources.

(2) A course taken in compliance with Section 105.009 of the Texas Family Code, as amended, satisfies the requirements of this rule. A list of approved programs and dates and times for such programs can be obtained from the Associate Judge's office at 904 Broadway, Room 306. Parties who wish to satisfy the requirement with another program may submit information regarding the program to the Associate Judge for approval

prior to enrollment in the program. The requirement of a parenting program may be waived by the referring court for good cause shown.

(3) Fees

Each party shall attend the seminar or approved service of equal value at that party's sole cost and expense. The fee shall be payable to the service provider prior to the program date. The fee for the seminar shall be reduced or waived in cases of indigency as determined by the court.

(4) Deadline for Completion

The seminar shall be initiated within thirty days from the answer due date, and evidence of completion filed with the court at least seven days prior to the final hearing.

(5) Verification of Attendance

Each party completing the seminar shall be provided with a certificate of attendance which that party shall present to the court prior to final hearing of the case.

(6) Sanctions

The court may take appropriate action with regard to a party who fails to attend or complete a course or seminar ordered by the court, including holding the party in contempt of court, striking pleadings, or invoking any sanction provided by Rule 215, Texas Rules of Civil Procedure, as amended.

Rule 4.70 Dismissal for Want of Prosecution

(A) Dismissal Docket

The court may set a "Try or Dismiss" Docket. All cases which have been on file for more than one (1) year may be dismissed for want of prosecution unless retained on the docket by order of the court.

(B) Other Dismissals for Want of Prosecution

The court, on its own motion, may dismiss a case for want of prosecution. The procedure provided in Rule 165a of the Texas Rules of Civil Procedure, as amended shall apply.

## RULE 5 - CRIMINAL CASES

### Rule 5.10 Policy Statement

It is the responsibility of the courts to establish procedures for the timely and effective disposition of criminal cases. The courts are charged with the responsibility of ensuring both the State of Texas and all defendants a fair and timely resolution of criminal accusations, and the courts are in the best position to establish neutral rules and policies without adversely affecting either side's right to a fair trial. Effective management of the judicial system will build continuing respect by the community for government, minimize the costs and maximize the probability that cases will be timely resolved. It is the purpose of these rules to establish such procedures.

These rules are not intended to conflict with any applicable statute or rule, and in the event of any such conflict, the statute or rule shall prevail.

### Rule 5.15 Policy Goals

- (A) The goals of the Lubbock County Board of Judges with respect to the courts hearing criminal matters are:
- (1) To provide an effective and fair procedure for the timely disposition of criminal cases;
  - (2) To provide a mechanism to gather needed case information in order to make appropriate judicial management decisions; and
  - (3) To establish reasonable rules and policies to require that cases be disposed of without unnecessary delays or interruptions.
- (B) In order to effectuate these goals, it is the intent of the Board of Judges to differentiate between cases according to their anticipated complexity and length. In the discretion of the courts, cases will be generally assigned, under these policies and rules, into one of the following levels:
- (1) Level One: Level One cases are defined as felony cases with an estimated length of trial of two days or less and/or presenting no complex legal issues. It is expected that these cases will reach disposition in no more than nine (9) months from the date of arraignment.
  - (2) Level Two: Level Two cases are defined as felony cases with an estimated length of trial of more than two but less than six days, and/or presenting significant legal or factual issues. It is expected that these cases will reach disposition in no more than twelve (12) months from the date of arraignment.

- (3) Level Three: Level Three cases are defined as felony cases with an estimated length of trial of more than five (5) days and/or presenting complex legal and/or factual issues. It is expected that these cases will reach disposition in no more than eighteen (18) months from the date of arraignment.
- (4) Misdemeanors: Misdemeanor cases are expected to reach disposition in no more than six (6) months from the date of arraignment.
- (C) The courts recognize that an early and amicable disposition will minimize costs to the taxpayers and defendants. The courts will encourage early disposition of cases without the necessity of a trial whenever possible.

Rule 5.20 Criminal Case Management: From Case Filing to Disposition

- (A) An Initial Appearance will be conducted pursuant to Article 15.17, Code of Criminal Procedure, for all defendants in jail within 24 - 48 hours of their arrest.
- (B) A defendant in jail longer than 72 hours will be appointed an attorney within the next 24 hours, i.e., all defendants in jail should have an attorney appointed within 96 hours of their arrest.
- (C) The courts will encourage the Criminal District Attorney to make a filing decision or present a case to a Grand Jury within 30 days of a defendant's arrest.
- (D) Felony Arraignments will be held within 10 days of indictment.
- (E) Misdemeanor Arraignments will be held within 30 days of complaint.
- (F) An attorney hired by a defendant will immediately file a Notice of Appearance with the appropriate clerk's office and notify the Criminal District Attorney's Office and the appropriate court coordinator by forwarding to them a copy of said Notice.
- (G) The First Scheduling Conference in felony cases will be held within 30 - 45 days of the arraignment. In misdemeanor cases, the First Scheduling Conference will be set as soon as possible after the 30<sup>th</sup> day after the arraignment. The Criminal District Attorney shall make a plea bargain offer, or announce that no offer will be made, at least 10 days prior to the first scheduling conference. At the first scheduling conference, it is not necessary for the defendant to be present, as long as the defense attorney is in contact with his client, and the attorney is in a position to either accept or reject the offer made by the state. If subsequent scheduling conferences are necessary, the defendant must be present at each one. The purpose of the scheduling conference is to determine whether the defendant accepts or rejects the plea bargain offer; if rejected, whether the defendant will

plead guilty to the court or to a jury; if the plea is not guilty, whether a jury trial will be required, and if so, how long the trial is estimated to last. If a trial is required, a trial date will be assigned by the court, along with a pre-trial hearing date, which will be at least ten (10) days prior to the trial date.

- (H) Each court will determine the trial settings according to their schedule, but all cases will receive a specific date and time, in writing, for any setting from the court, at each scheduling conference.

Rule 5.25 Management of the Trial

- (A) Pre-Trial Matters

All pre-trial matters should be concluded at the pre-trial conference prior to the trial date. If any new matters arise after the pre-trial conference, they should be brought to the trial court's attention as soon as they are discovered.

- (B) Witnesses

The attorneys shall arrange for all witnesses to be immediately available as needed in order that there shall be no interruptions or delays. Any scheduling problems shall be brought to the attention of the court immediately. The attorneys shall instruct all witnesses not to discuss any aspect of the case in or around the courtroom or in the vicinity of any prospective juror and not to communicate in any fashion with any prospective juror or sworn juror.

The attorneys shall remain seated at counsel table at all times while questioning witnesses unless permission has been granted by the trial judge to approach the witness for showing them an exhibit, etc., or as otherwise directed by the trial judge. Counsel are expected to stand while addressing the court.

- (C) Paperwork Following Trial

Immediately following a trial, the district attorney's office will prepare any required paperwork, i.e., judgment of guilt, judgment of not guilty, etc., and present all such paperwork to the court for signature.

Rule 5.30 Filings/Return of Indictments

- (A) The District Clerk will file all new criminal cases, other than capital murder cases, on a random basis among the 137<sup>th</sup> District Court, the 140<sup>th</sup> District Court, and the 364<sup>th</sup> District Court, utilizing a computer software program designed for this purpose. Said software program will ensure that each of the said three (3) District Courts will be assigned an equal number of criminal cases on a random basis. Capital Murder indictments will be assigned to the three (3) District Courts above



on a rotating basis.

- (B) The County Clerk will file all new criminal cases on a rotating basis between County Court at Law No. 1 and County Court at Law No. 2.

**Rule 5.35      Withdrawal or Substitution of Counsel**

- (A) Subject to Rule 5.35(B), no attorney will be allowed to withdraw from a case without a hearing to (1) determine the reason, and (2) advise the defendant of his rights if the motion is granted.
- (B) Substitution of counsel may be granted without a hearing if a motion is filed with the joint signatures of the attorney of record, the substituted attorney and the defendant.

**Rule 5.40      Bond and Bond Forfeiture**

- (A) In all cases, the bond set by a magistrate shall remain in effect after indictment or complaint unless the judge in whose court the case is pending resets the bond.
- (B) Bond forfeiture will be promptly initiated upon a defendant's failure to appear for any hearing for which he/she is required to appear.

**RULE 6 - JURY MANAGEMENT**

**Rule 6.10      Management of Juries**

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

**RULE 7 - JUDICIAL VACATION**

**Rule 7.10      Judicial Vacation**

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

**Rule 7.15      Notification of Local Administrative Judge**

Notice of vacation or periods of absence longer than four days shall be provided to the

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

**Rule 7.20      Requests for Visiting Judge**

In order to efficiently allocate resources, i.e., judges, courtrooms, court reporters, etc., all requests for a visiting judge shall go through the Local Administrative Judge.

**RULE 8 - NON-JUDICIAL PERSONNEL**

**Rule 8.10      Non-Judicial Personnel**

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

**Rule 8.15      Qualifications of Non-Judicial Personnel**

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

**RULE 9 - ATTORNEYS IN COURT**

**Rule 9.10      Conduct and Decorum of Counsel**

- (A) All lawyers shall dress in keeping with proper courtroom decorum, and all male lawyers shall wear coats and ties while in the attendance of the Court.
- (B) While the court is in session all remarks of counsel shall be addressed to the Court and not to opposing counsel or the judge as an individual.
- (C) In addressing the judges, lawyers shall at all times rise and remain standing to address the judge from their position at the counsel table, unless permission has been granted to approach the bench.
- (D) Counsel shall remain seated at the counsel table while interrogating witnesses, except as may be necessary in handling or displaying exhibits or demonstrating evidence, or as otherwise directed by the court.

- (E) Lawyers shall advise their clients and witnesses of proper courtroom decorum and seek their full cooperation therewith.

Rule 9.15 Requests for Continuance

- (A) Contents of Motion

Unless counsel for all parties consent in writing to the request for a continuance and the same is approved by the Court, a motion must be filed pursuant to Rule 251, et seq. of the Texas Rules of Civil Procedure, as amended. The motion must be accompanied by an order setting the motion for a hearing. Any motion that does not meet these requirements will be denied without prejudice to the right to refile.

Rule 9.20 Conflict in Trial Settings

- (A) Duty of Counsel to Notify Court

- (1) Whenever an attorney has two or more cases on trial dockets for trial at the same time, it shall be the duty of the attorney to bring the matter to the attention of the courts concerned immediately upon learning of the conflicting settings.

- (2) Priority of Cases in Event of Conflict

Insofar as practicable, the affected courts shall attempt to agree upon which case shall have priority.

Rule 9.25 Attorney Withdrawal

- (A) Withdrawal of counsel shall be governed by Rule 10 of the Texas Rules of Civil Procedure, as amended, and the following rules.

- (1) Notice to Client

If another attorney is not to be substituted as attorney for the party, or if the party does not consent to the motion to withdraw, the withdrawing attorney shall notify the client in writing and set the motion to withdraw for a hearing with notice of the date and time of the hearing provided to the client and counsel for any parties.

- (2) Orders

All orders granting withdrawal of counsel shall require withdrawing counsel to notify his or her client of all pending settings and deadlines

known to withdrawing counsel.

(3) No Delay of Trial

Unless allowed in the discretion of the Court, no motion to withdraw shall be granted when it is presented within thirty (30) days of the trial date or at such a time as to require a delay of trial.

RULE 10 - MISCELLANEOUS LOCAL RULES

Rule 10.10 Settlement Week

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

Rule 10.15 Miscellaneous Local Rules

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

Rule 10.20 Judicial Budget Matters

(A) The district courts shall submit budgets to the commissioners court in a timely fashion for all departments within their jurisdiction.

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

Rule 10.25 Relationship With Other Governmental Bodies, The Public and The News Media

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

Rule 10.30 Forms

Forms required by these rules are available from the District Clerk's Office, the County Clerk's Office, the Administrative Office of the District Courts, the Administrative Office of the County Courts at Law and the Associate Judges' Court.

RULE 11

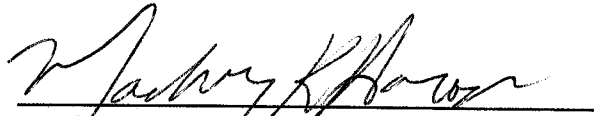
Rule 11.10 Procedure for Adoption and Amendment of Local Rules

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

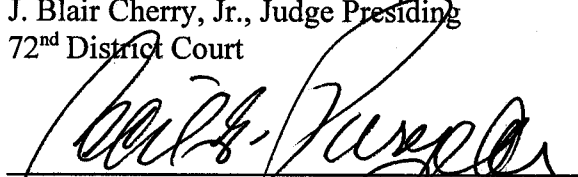
APPROVED:



J. Blair Cherry, Jr., Judge Presiding  
72<sup>nd</sup> District Court



Mackey K. Hancock, Judge Presiding  
99<sup>th</sup> District Court



Cecil G. Puryear, Judge Presiding  
137<sup>th</sup> District Court



Jim Bob Darnell, Judge Presiding  
140<sup>th</sup> District Court



Sam Medina, Judge Presiding  
237<sup>th</sup> District Court



Bradley S. Underwood, Judge Presiding  
364<sup>th</sup> District Court



Rusty Ladd, Judge Presiding  
County Court at Law # 1



Drue Farmer, Judge Presiding  
County Court at Law # 2



Paula Lanehart, Judge Presiding  
County Court at Law # 3



## The Supreme Court of Texas

CHIEF JUSTICE  
THOMAS R. PHILLIPS

201 West 14th Street Post Office Box 12248 Austin TX 78711  
Telephone: 512/463-1312 Facsimile: 512/463-1365

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DEPUTY EXECUTIVE ASST  
JIM HUTCHESON

A D M I N I S T R A T I V E  
ASSISTANT  
NADINE SCHNEIDER

May 21, 2002

Hon. Bradley S. Underwood  
Admin. Judge and Judge  
364th District Court  
Post Office Box 10536  
Lubbock, Texas 79408-3536

Dear Judge Underwood,

Please find enclosed, a copy of the order of the Supreme Court that temporarily approved local rules for the district courts and county courts at law of Lubbock County.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

Encl.

cc: Hon. Kelly Moore  
9th Admin Judicial Rgn

District Clerk

County Clerk

Supreme Court Adv Committee

State Law Library