

# IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 93-0111

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## APPROVAL OF LOCAL RULES OF THE 130TH AND 23RD DISTRICT COURTS OF MATAGORDA COUNTY

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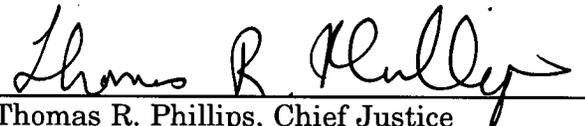
### **ORDERED:**

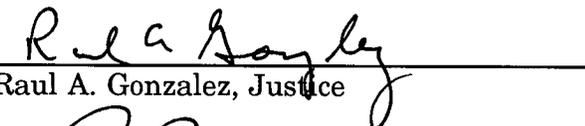
Pursuant to Rule 3a of the Texas Rules of Civil Procedure, the Supreme Court approves the following local rules, which have been previously approved by the presiding judge of the appropriate administrative judicial region and submitted to this Court:

Local Rules of the 130th and 23rd District Courts of Matagorda County, dated April 5, 1993.

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

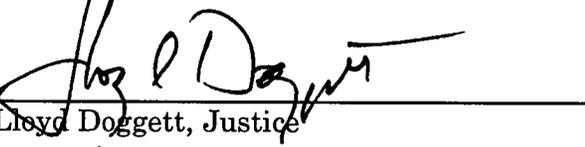
SIGNED AND ENTERED this 2nd day of July, 1993.

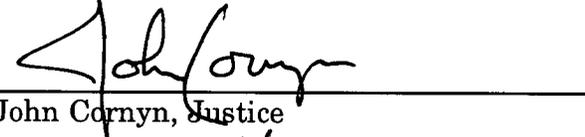
  
Thomas R. Phillips, Chief Justice

  
Raul A. Gonzalez, Justice

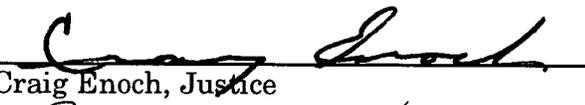
  
Jack Hightower, Justice

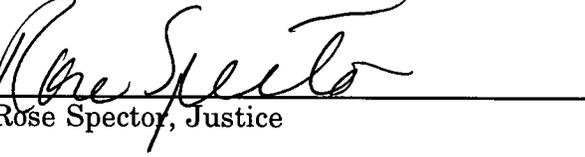
  
Nathan L. Hecht, Justice

  
Lloyd Doggett, Justice

  
John Cornyn, Justice

  
Bob Gammage, Justice

  
Craig Enoch, Justice

  
Rose Spector, Justice

**MATAGORDA COUNTY**

**Local Rules Of Practice**

**Of**

**130th and 23rd Judicial District Courts**

**RULE I. DECORUM**

- A. Formal Opening.** Immediately before the scheduled time for the beginning of court sessions, the Bailiff shall direct all court officers and spectators to their seats and shall bring order. As the Judge enters the courtroom, the Bailiff shall state, "Everyone please rise." While everyone is still standing he shall make an appropriate announcement such as, "The \_\_\_\_\_ Court is now in session, the Honorable \_\_\_\_\_, Judge Presiding. Be seated please."
- B. Formal Closing.** At the end of the trial day the Court shall tell the Jury, if there is a jury, or otherwise will announce to the Officers of the Court: "This Court will stand in recess until \_\_\_\_\_ at \_\_\_\_\_ o'clock," at which time the Court Bailiff shall state, "Will everyone please rise. The \_\_\_\_ Court of \_\_\_\_ County, Texas, will be in recess until \_\_\_\_\_ at \_\_\_\_\_ o'clock A.M. This Honorable Court now stands in recess."
- C. Conduct Required of all Persons While Attending Court:**
1. All persons in the courtroom during the pendency of any hearing shall be attentive to the proceedings of the court and shall refrain from any action which is disruptive of the court proceedings. When court is in session all persons, before entering the courtroom, shall first remove overcoats, hats, cigars, etc., and shall quickly be seated in the proper places provided. There shall be:
    - a. No reading of newspapers or magazines during court proceedings;
    - b. No bringing of bottles, paper cups or beverage containers into the courtroom;
    - c. No bringing of edibles into the courtroom (at any time);
    - d. No propping of feet on tables, chairs or benches;
    - e. No sitting on tables, railings, desks or arms of chairs;

- f. No walking through the courtroom while any proceedings are being held (or court is in session);
  - g. No making noises or talking which interferes with the court procedure.
2. No person should by any facial expression, shaking of the head, or any other conduct, exhibit approval or disapproval of any testimony elicited or any statement or transaction which has occurred in the courtroom.

**RULE II. TIME STANDARDS FOR THE DISPOSITION OF CASES**

It shall be the goal of this Rule to ensure that all cases are brought to trial or final disposition in conformity with the following time standards:

**A. CRIMINAL CASES**

- 1. As provided by Article 32A.01, Code of Criminal Procedure.

**B. CIVIL CASES OTHER THAN FAMILY LAW**

- 1. Civil Jury Cases
  - a. Within 18 months from appearance date.
- 2. Civil Non-jury Cases
  - a. Within 12 months from appearance date.

**C. FAMILY LAW CASES**

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

**RULE III. FILING, ASSIGNMENT, AND TRANSFER**

- A. All civil cases, except as otherwise provided herein or by Court Order, shall be filed in the District Courts in true random order. District Clerk shall use a wheel, which provides for 66 2/3% of the civil cases to be filed in the 130th Judicial District Court, and which provides for 33 1/3% of the civil cases to be filed with the 23rd Judicial District Court.
- B. All criminal cases, except as otherwise provided herein or by Court Order, shall be filed in the 130th Judicial District Court.
- C. All family law cases, except as otherwise provided herein, shall be filed in the 130th Judicial District Court.
- D. Every suit or proceeding, in the nature of a bill of review or otherwise seeking to attack, avoid, or set aside any judgment, order, or decree of a District Court shall be assigned to the court in which such judgment, order, or decree was rendered.
- E. Every ancillary garnishment suit shall be assigned to the Court in which the suit to which the garnishment is ancillary is pending. Every garnishment after judgment shall be assigned to the Court which rendered the judgment upon which the garnishment is founded.

**RULE IV. REQUESTS FOR SETTINGS - 23rd Judicial District**

**Notice Requests for Settings are different for the 23rd and 130th District Courts.**

- A. A case shall be placed on the "Active Trial Docket" only after the Court receives written request from a party or his attorney of record, requesting that the case be set for trial. Such request shall certify:
  - 1. Whether the case is jury or non-jury
  - 2. The approximate number of days required to try the case.
  - 3. The names and addresses of all parties or their attorneys of record.
  - 4. That a copy of the request has been served on all other parties or their attorneys of record at the addresses indicated.
  - 5. That the pleadings are in order.

6. That no attorney of record on whom a copy of the request is served has withdrawn from the case.
  7. That all written and filed arguments to take depositions and to produce a party for physical examination have been accomplished.
  8. That all necessary ad litem appointments have been made.
  9. That all matters preliminary to trial have been accomplished.
  10. That the case is ready to try.
- B. The 23rd Court shall maintain two separate Active Trial Dockets, one for jury cases and one for non-jury cases.
- C. The setting priority of cases on an Active Trial Docket shall be the order in which setting requests are received by the Court. The case shall maintain its setting priority relative to other cases on the Active Trial Docket until it is either tried or removed from the Active Trial Docket by granting of a continuance. (As a means if discouraging premature setting requests solely to establish a high docket priority, setting priority will be lost if a continuance is granted at Docket Call.)
- D. At Jury Docket Call, the Court shall hear all unresolved pre-trial motions, conduct a pre-trial conference pursuant to Rule 166.
- F. Payment of Jury Fees. Jury trials will be granted only when a jury fee has been paid at least ten days before the Monday of the week in which the case has been set for trial and the request therefor has been known to the Judge before the announcements of the docket.
- E. Correspondence relating to settings shall be addressed to:

The Hon. Neil Caldwell  
Judge, 23rd Judicial District  
Brazoria County Courthouse  
Angleton, Texas 77515

**RULE V. REQUESTS FOR SETTINGS - 130th Judicial District**

- A. At any time after the filing of an answer upon the request of any party or the Judge's own motion, the court administrator, acting upon direction of the Judge, shall set the case for trial on the merits. Requests for non-jury civil settings in the 130th District Court shall be made to the Court Administrator, 1700 Seventh

Street, Rm 317, Bay City, Texas 77414, addressed in writing, with copies of said request given to all opposing parties/attorneys.

**B. Disposition of Uncontested Matters**

1. Disposition of uncontested matters may be by appointment through the civil court administrator for the 130th District Court.
2. 130th District Court shall have a regularly scheduled Miscellaneous Docket Morning where any matter which will take less than 30 minutes can be heard on a first come first serve basis, and which no prior notice to the Court is required. All matters which may be concluded in 30 minutes or less may be set on that day by arriving and signing in with the court administrator or bailiff between 8:30 a.m. and 9:00 a.m.

**C. Requests for settings - Jury**

1. Requests for civil jury settings in the 130th District Court shall be made to the Court Administrator, requesting a scheduling conference (phone conference allowed), or
2. By requesting in writing said trial date, with copy of said request given to all opposing parties/attorneys.

**D. Civil Pre-trial Rules and Procedures**

1. **Scheduling Conferences** - Because of the change in the approach of the administration of the Docket of the 130th, prior to setting of any jury trial a scheduling conference will be required. Scheduling Conference will acquaint the court with the case and will allow the court to make appropriate docket control orders, or other pretrial orders.
2. **Docket Control Orders** - An agreed docket control order may be filed at any time following the filing of an answer in a suit by agreement of parties. If no docket control order has been filed by expiration of one hundred twenty (120) days from the date suite is filed, then The Court in which the case is pending shall notify all attorneys of record of the date and hour at which the attorneys are to appear in the Court's Chambers for the purpose of conducting such conference.
3. **Docket Control Conferences** - Shall be for the purpose of acquainting the Court with the nature of the case and the issues presented; determining the probable length of time required for trial; fixing of pleadings and making other docket control orders as are necessary and proper under the

circumstances in regard to handling of the case; and to arrive at the trial date which all attorneys and the Court may consider firm.

4. The Court shall enter an order which recites any action taken or agreements made at the docket control conference, and such order when entered shall control the subsequent course of the action unless later modified by the Court.
5. Attorneys of record for all parties shall be present at the docket control conference and all attorneys shall have with them their calendar in order to arrange settings which do not conflict with any previous engagements of any attorney.

E. Correspondence relating to settings shall be addressed to:

The Hon. Joseph Ann Ottis  
Judge, 130th Judicial District  
Matagorda County Courthouse, Room 315  
Bay City, Texas 77414

**RULE VI. POSTPONEMENTS AND CONTINUANCES (FOR THE 130TH ONLY)**

- A. All trial settings will be made at a docket control conference at which time the schedule of all lead counsel will be taken into consideration. An attorney who fails to appear at such conference, or any attorney who fails to notify the Court of a conflict in scheduling at the time the case is set, shall be precluded from seeking a continuance at a later time on the grounds of such conflict. Where a party is represented by more than one attorney or firm of attorneys, a change in the identity of lead counsel which creates a conflict in settings shall not be a ground for continuance. Lead counsel shall be designated in the initial pleading of a party. If no designation of lead counsel is made in the pleading, lead counsel shall be the attorney signing the initial pleading. Lead counsel may be changed at any time by filing a statement to that effect.
- B. Any ground for continuance of the trial setting then known shall be presented to the Court at the pre-trial conference (if not earlier ruled upon) or shall be waived.
- C. No requests to pass, postpone or reset any scheduling conference, docket control conference, pre-trial conference or other preliminary hearing shall be granted unless counsel for all parties have been notified and have had an opportunity to object.
- D. No motion or joint motion for continuance of any trial setting shall be granted unless the motion is in writing, signed by counsel and parties. All motions for

continuance for trial setting, including joint motions of all parties, shall be presented in person to the Court either in Open Court or in Chambers and shall comply with the Texas Rules of Civil Procedure. Upon granting of a motion for continuance, a docket control conference shall immediately be held, and the order granting such motion for continuance shall contain an order resetting the case for trial.

**RULE VII. PRE-TRIAL ORDERS AND CONFERENCES (FOR THE 130TH ONLY)**

A. Where no earlier pre-trial order deadline has been ordered, not later than fourteen (14) days prior to the date set for trial, the attorneys shall prepare and file with the Clerk of the Court a proposed "Joint Pre-Trial Order" (in a form provided by the Court Administrator) which shall be approved as to form and substance by the attorneys for all parties and which shall contain all of the matters set forth below. In the event that the attorneys are unable to agree upon a Joint Pretrial Order, a "Partial Pre-Trial Order" shall be completed and filed at least fourteen (14) days prior to the trial setting with regard to the matters upon which agreement is had, and the Court shall be notified of the necessity for a pre-trial conference to dispose of all remaining matters, which will be conducted earlier than seven (7) days prior to trial.

**B. Charge to the Jury**

All requests for questions, instructions, to be submitted to the jury shall be filed not later than 14 days prior to the date set for trial. Any objections to substance or form must be filed with the court not later than 7 days prior to the date set for trial. Any party requesting issues and instructions must file 14 days prior to trial. Not later than 7 days prior to the date set for trial, each party shall submit to the Court, written objections, and any briefs and caselaw.

**RULE VIII. MOTIONS, HEARINGS, AND OTHER PRELIMINARY MATTERS (FOR THE 130TH ONLY)**

A. Preliminary matters which require a ruling by the Court may be disposed of either (1) by hearing before the Court, or (2) upon such written authorities as counsel may forward to the Court, which the Court may rule in Chambers without any hearing as provided in this rule. Any party is entitled to a hearing so long as the same is requested prior to the time that the Court enters its ruling.

- B. Any party who desires a ruling or any matters pending shall request a ruling either by (1) requesting a hearing or (2) filing a statement with the authorities, if any, relied upon along with a request for a ruling by the Court without a hearing. The opposing party may, within ten (10) days after service of such statement, either (1) request a hearing or (2) file a written response.
- C. If no hearing is requested within seven (7) days after the time for requesting a hearing or for filing a response has expired, the Judge in the absence of counsel may examine the pleadings, authorities cited and other papers and make such rulings as the Judge deems proper, note a memorandum of such ruling among the papers of the cause and send copies of such memorandum to counsel for all parties.
- D. Requests for hearing shall be made to the Court in which the matter is pending, in accordance with Rule III herein which shall notify all counsel of the date and hour set for hearing and of the particular matter which will be considered at such time.
- E. The attorney for the prevailing party shall prepare an order and submit such order to the Court for entry and shall forward copies of said order to opposing counsel.

**RULE IX. ATTENDANCE AT CONFERENCES AND HEARINGS (FOR THE 130TH ONLY)**

- A. All scheduling conferences, docket control conferences and pre-trial conferences shall be attended by lead counsel, or by a co-counsel who is completely familiar with the case and fully authorized to state his party's position on the law and the facts, to make agreements as to scheduling, to enter into stipulations, and to enter into settlement negotiations.
- B. When counsel for either party, after notice, and without good cause fails to appear for a scheduling conference, docket control conference or pre-trial conference, the Court may:
  - 1. Make all scheduling decisions and rule on all motions, exceptions or other matters in the absence of such counsel;
  - 2. Declare any motions or exceptions of the absent party waived;
  - 3. Advance or delay the trial setting or other scheduling matters, or decline to set the case for trial or cancel a setting previously made, according to the convenience of counsel present;
  - 4. Pass and reset the docket control conference in which case the party

represented shall be entitled to recover his reasonable attorney's fee and expenses;

5. Consider the absence of counsel as a contempt of Court, and punish counsel accordingly.

**RULE X. DISCOVERY**

- A. All counsel are expected to engage in good faith negotiations pursuant to the discovery and deposition rules of the Texas Rules of Civil Procedure. Requests for hearings on motions for discovery, or for protection, or to quash interrogatories or request for admissions, or on objections to any discovery, will not be granted unless counsel filing the same certifies that he has attempted to obtain such discovery or relief from opposing counsel by agreement and has been unsuccessful, or shows good cause for not making such effort.

**RULE XI. DEMAND FOR JURY**

- A. Demand for a trial by jury shall not be occasion for advancement or substantial delay of the trial or of any other proceeding in the case, nor for transfer of the case to another Court. If the case is already set for non-jury trial when such demand is made, the Court may proceed to hear the case without jury, try the case with a jury on the same setting, add the case to the list of jury cases for the following week, or set it at some other convenient time. If no jury charge is filed by either party as required by these rules, the case will be taken off the jury docket and tried to the Court.

**RULE XII. WITHDRAWAL OF COUNSEL**

- A. No attorney of record shall be permitted to withdraw from any case without presenting a motion and obtaining from the Court an order granting leave to withdraw. Such motion shall be the client's written consent to such withdrawal or a certificate by another lawyer that he has been employed to represent the client in the case or a copy of such motion shall be mailed to the client at his last known address, with a letter advising that the motion will be presented to the Court on or after a certain hour, not less than ten (10) days after mailing the letter, and that any objection to such withdrawal should be made to the Court in writing before such time, and a copy of such letter shall be attached to the motion. A copy of the motion shall be delivered or mailed to opposing counsel. Such leave may be denied where the motion is presented so near the trial date as to require delay of the trial. After leave is granted, the withdrawing attorney shall notify his former client and advise said client to secure other counsel.

### **RULE XIII. DISMISSAL**

#### **A. Dismissal for Want of Prosecution**

1. The Court on its own may dismiss a case for want of prosecution. The procedure set out in Rule 165a of the T.R.C.P. shall be strictly followed.
2. A case may be dismissed for want of prosecution for any of the following reasons:
  - a. Failure of plaintiff to request a setting or take other appropriate action after notice from the court that the case has been pending without action for more than six months.
  - b. Failure of plaintiff's counsel to appear for pre-trial or other preliminary hearing, especially when there has been a previous failure to appear or where no amendment has been timely filed to meet the exceptions previously sustained.
  - c. Failure of a plaintiff to make an announcement as scheduled herein when the case is set for trial.
  - d. Subject to other provisions of these rules, the Clerk shall mail a written notice of such dismissal to all parties or their counsel of record.

### **RULE XIV. ORDERS AND DECREES**

- A. Unless ordered otherwise, not less than thirty days after rendition or an announced settlement by counsel, counsel shall cause all judgments, decisions, and orders of any kind to be reduced to writing and delivered with copies required to the Court Clerk for signature of the trial judge. Upon failing to furnish the Court Clerk with such a judgment or order finally disposing of a case, the Court shall presume that counsel wish the Clerk to present for Judge's signature an Order of Dismissal with prejudice with costs taxed at the Judge's discretion.

### **RULE XV. GUARDIANS AND ATTORNEYS AD LITEM (FOR THE 130TH ONLY)**

- A. When it is necessary for the Court to appoint a guardian ad litem for minor or incompetent parties or an attorney ad litem for absent parties, independent counsel, not suggested by any of the parties or their counsel, will be appointed; provided the Court may appoint an attorney who is already counsel of record for

one of the parties if the Court finds that no conflict of interest or other circumstances exist which would prevent such attorney from providing adequate representation.

#### **RULE XVI. WITHDRAWAL AND COPYING**

- A. No pleadings or papers belonging to the files of the Court shall be taken from the office or custody of the Clerk except on order of the Court. No order for such withdrawal shall be granted except for good cause shown. The order shall state the time within which the same shall be returned to the Clerk.
- B. A receipt specifying the pleadings or papers withdrawn shall be given to the Clerk by the party withdrawing them.
- C. Depositions may be withdrawn by either party on giving a receipt for same to the Clerk, but same shall be returned to the files on request of the Clerk or other party to the cause. No papers shall be taken from the court's Judicial District.
- D. The Clerk may, on the request of any person and prepayment of the cost thereof, arrange for the duplicating of any unrestricted Court paper and the delivery of the copy to the applicant therefore; however, any copy of a statement of facts desired shall be obtained in the usual way from the Court Reporter. Except as elsewhere required, the Court Reporter shall not be required to undertake the making of a typed transcript without the deposit of an adequate indemnity nor shall the court reporter be required to furnish such statement of facts prior to the payment thereof.

#### **RULE XVII. DISPOSITION OF FAMILY LAW AND JUVENILE CASES**

##### **A. Statement of Income and Expenses**

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

"All parties to this action shall file with the Clerk and deliver a copy to the Judge and all counsel or pro se parties, at least by the day preceding the hearing on any support matter, a statement showing all income and expenses of all parties. Completion of the Statement of Income and Expense attached to this Order shall be furnished as a minimum."

- B. The Clerk shall attach a copy of the statement of Income and Expense form to each Notice of Temporary Hearing or Notice of Hearing on Modification which

is served on a party and shall furnish a copy of same to each counsel or pro se party not served. All parties are required to file Statements of Income and Expense as set out in this section.

- C. Statements of Income and Expense shall be verified, under oath, by the party making same and certified to by counsel for such party. Counsel and parties are encouraged to prepare such statements of Income and Expense in such manner that they can be presented as evidence in lieu of direct testimony. Counsel and parties are encouraged to offer the same as evidence in such proceeding.

**D. Inventory and Appraisalment**

1. Within sixty days of filing of each divorce or annulment case, each party shall file with the Clerk, a copy being furnished to the Judge, opposing counsel and pro se parties, a sworn inventory and appraisalment of all property (both separate and community) of parties, including any property belonging to children of the parties. In the event of a substantial disparity in property evaluation filed by parties to a proceeding, within ten days after the filing of the original inventories and appraisalment, the parties shall file a sworn statement setting forth the reason for the evaluations assigned by each such party. In the event of dispute as to character of property, each party's contention shall be supported by affidavit and documents, if any, filed at least ten days prior to trial.
2. In the event of the filing of a written agreement or decree completely settling the property of the parties to such action and all custody and support matters, it shall not be necessary to file such inventories and appraisalment.
3. The failure to timely file such inventories and appraisalment, affidavits or statements set out in paragraph D. (1) may result, in addition to other sanctions provided by law, in the continuance of temporary alimony and/or support or in the discontinuance of same depending upon the party failing to comply with these rules.

**E. Ex Parte Orders**

1. Counsel presenting any application for an ex parte order shall at the time the application is presented certify in writing to the Court that:
  - a. to the best of his knowledge the party against whom the relief is sought is not represented by counsel in the matter made the basis of the suit in which the relief is sought; or
  - b. if such party is so represented by counsel, that (i) such counsel has

been notified of the application and does not wish to be heard by the Court thereon; or (ii) that counsel presenting the application has diligently attempted to notify such counsel and has been unable to do so and the circumstances do not permit additional efforts to give notice.

2. Counsel presenting any application for an ex parte order shall at the time the application is presented further certify in writing that to the best of his or her knowledge, the case in which the application is presented is not subject to transfer. Or, if the case is subject to such a transfer, counsel shall fully advise the Court of the circumstances, particularly as to whether there has been any previous application for the same or similar relief or whether the relief sought will conflict with any previous order, and the Judge to whom the application is presented may decline to act.
3. Ex Parte Restraining Orders - Except as otherwise provided by law, ex parte restraining orders shall be granted only when supported by sworn testimony and by proper affidavits setting forth such facts as required and restraint requested. Affidavits stating conclusions only shall be insufficient.
4. No ex parte order shall restrain a parent from having access to that person's child(ren) except upon affirmative showing in person that the interest of the children require such restraint.
5. Ex parte Visitation Orders - The Court encourages settlement of visitation between the parents with due regard for the welfare of the child(ren) affected. The possessory conservator shall be entitled to reasonable possession of the child(ren), which, except upon clear and convincing proof otherwise, shall be as follows:
  - a. Beginning at 6:00 P.M. on Friday and ending at 6:00 P.M. on Sunday of the weekends of the first and third (and fifth where applicable) Saturdays of each calendar month.
  - b. From 6:00 P.M. on Christmas Day until 6:00 P.M. on January 1, alternately from 6:00 P.M. one week prior to Christmas until 6:00 P.M. on Christmas Eve.

#### F. Child Support

1. The setting of child support, including temporary child support, shall be at the Court's discretion. Agreement of the parties regarding child support is encouraged, but must be within the guidelines established by the Supreme Court.

## **RULE XVIII. VACATION RULES**

- A. Each attorney of the Counties comprising the Second Administrative Judicial District who desires to assure himself a vacation for a period of not to exceed four weeks in June, July, and August may do so automatically by designating the four weeks, in writing, addressed and mailed or delivered to the District Clerk, or any officer designated as the Docket Clerk in his own County, with a copy thereof to the District Clerk or Docket Clerk of any other County of this Administrative District before the 15th day of May of each year. The vacation period so designated shall be honored by all of the judges of this Administrative District.
- B. This provision shall not apply to vacations for attorneys engaged in a criminal case. Nothing herein provided shall prevent the various Judges from recognizing vacations of attorneys as a discretionary matter.

## **RULE XIX. CONFLICT IN TRIAL SETTINGS**

- A. Attorney Already in Trial Assigned to Trial in Another Court:
  - 1. When the docket clerk or judge is informed that an attorney is already in trial, the clerk will determine the designation of the court, the county where it is located and the time the attorney went to trial. If the judge or opposing attorneys desires the information to be verified, the judge will then contact that court to ascertain if the attorney is actually in trial and the probable time of release. The case may then be put on "hold" or re-set.
  - 2. If the attorney is not actually in trial, the case will be put on the "ready list" and all counsel or parties so advised.
  - 3. If the attorney's office cannot advise as to where the attorney is in trial, the case will nevertheless be placed on the "ready list" and his office so advised, with the warning that the case will be assigned to trial without further notice.
- B. Attorney assigned to two courts for the same date:
  - 1. Whenever an attorney has two or more cases on trial dockets and is set for trial at the same time, it shall be the duty of that attorney to bring the matter to the attention of the judges concerned immediately upon learning of the conflicting settings.
  - 2. Insofar as practicable, judges should attempt to agree on which case has



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

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CLERK  
JOHN T. ADAMS

JUSTICES  
RAUL A. GONZALEZ  
JACK HIGHTOWER  
NATHAN L. HECHT  
LLOYD DOGGETT  
JOHN CORNYN  
BOB GAMMAGE  
CRAIG ENOCH  
ROSE SPECTOR

EXECUTIVE ASS'T.  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.  
MARY ANN DEFIBAUGH

July 5, 1993

Hon. Joseph Ann Ottis  
130th District Court  
Post Office Box 1666  
Bay City, Texas 77404

Hon. Neil Caldwell  
23rd District Court  
County Courthouse  
Angleton, Texas 77515

Dear Judge Ottis and Judge Caldwell,

Please find enclosed, a copy of the order of the Supreme Court that approved local rules for your courts.

Sincerely,  
~~signed~~

John T. Adams  
Clerk

Encl.

cc: Hon. Thomas J. Stovall, Jr.  
2nd Admin Judicial Rgn

District Clerk

County Clerk

Supreme Court Adv Committee

Mr. Raymond Judice  
Office of Court Admin

State Law Library

priority, otherwise, the following priorities shall be observed by the judges of the respective courts.

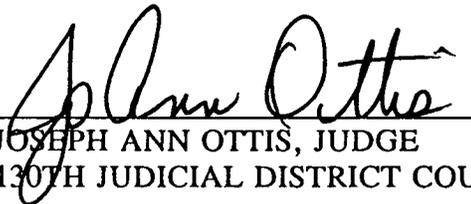
- (I) Criminal Cases have priority over Civil Cases:
- (II) Preferentially set cases have priority over those not given any preference by statute or otherwise;
- (III) The earliest set case has priority over those set later;
- (IV) Courts in metropolitan counties should yield to courts in rural counties in all other instances of conflicting trial settings.

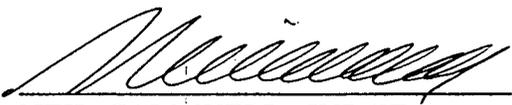
3. Comity between Federal and State Courts:

The judges of the U. S. District Court for the Southern District of Texas have agreed that in the event of setting conflicts between the Federal and State Courts the cases in which the trial setting request, or Order setting the case, was earliest filed or entered will be given priority; provided, that setting for trials on the merits will take priority over setting for pre-trial conferences or other ancillary matters. Where a Speedy Trial Act., Federal or State, is applicable, the criminal case having a Speedy Trial Act problem will take precedence. In any particular case this procedure may be varied upon mutual agreement of the judges involved. Presiding Judges of State Courts in Counties within other Federal Judicial Districts are urged to enter into similar agreements with the Chief Judges of Federal Districts.

**DATED: APRIL 5, 1993**

**REPLACING: LOCAL RULES DATED OCTOBER 12, 1992 AND NOVEMBER 2, 1992.**

  
\_\_\_\_\_  
JOSEPH ANN OTTIS, JUDGE  
130TH JUDICIAL DISTRICT COURT

  
\_\_\_\_\_  
NEIL CALDWELL, JUDGE  
23RD JUDICIAL DISTRICT COURT



*Propose  
the order*

**SECOND ADMINISTRATIVE JUDICIAL REGION  
OF TEXAS**

**THOMAS J. STOVALL, JR.  
PRESIDING JUDGE**

**JUDY MAPLES GEIGER  
ADMINISTRATIVE ASSISTANT**

**VIKKI NELSON  
REGIONAL DOCKET MANAGER**

**P.O. BOX 40, SEABROOK, TEX. 77586  
PHONE (713) 471-3911**

**OFFICE LOCATED: HARRIS COUNTY  
COURTHOUSE, LA PORTE ANNEX  
117 E. AVE. A, LA PORTE, TEXAS**

**June 2, 1993**

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

**Re: Local Rules, Matagorda County**

**Dear Justice:**

The enclosed Local Rules have been polished and rewritten in part and are now submitted for approval. They seem reasonable to me and follow, for the most part, the long-time work patterns of these two Courts. The new Judge has consulted at length with the older one and their joint efforts reflect the sentiment of each, as to their joint operation of this County.

Should there be any question about these proposed Rules, please let me or one of the affected Judges know.

Thank you for your usual courtesies in these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas J. Stovall, Jr.", written in a cursive style.



STATE OF TEXAS  
**OFFICE OF COURT ADMINISTRATION**

205 WEST 14TH STREET, SUITE 600

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

C. Raymond Judice  
Administrative Director

Jack Reynolds  
Deputy Director-Administration

Jim Hutcheson  
Deputy Director-Legal

June 8, 1993

Mr. John T. Adams  
Clerk, Supreme Court of Texas  
Supreme Court Building  
Austin, Texas 78701

Dear Mr. Adams:

Enclosed is the original and a copy of a proposed Order of the Supreme Court approving the local rules of the 130th and 23rd Judicial Districts in Matagorda County as submitted by Judges Joseph Ann Ottis and Neil Caldwell, Judges of the 130th and 23rd District Courts, respectively, and approved by Judge Thomas J. Stovall, Jr., Presiding Judge of the Second Administrative Judicial Region on June 2, 1993.

After you have entered this proposed order on the Miscellaneous Docket of the Court, please forward the original of the proposed order to the chambers of Justice Hecht for further action by the Court.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Raymond Judice".

C. Raymond Judice  
Administrative Director

Enclosures

cc: Justice Nathan L. Hecht  
Supreme Court

Hon. Joseph Ann Ottis  
Judge, 130th Judicial District Court