

Local Rules, Forms, and Standing Orders

The Office of Court Administration

The Rules & Orders

- Texas Rule of Civil Procedure 3a
- Texas Rule of Appellate Procedure 1.2
- Texas Rule of Judicial Administration 10
- Supreme Court Misc. Docket No. 22-9081,
Court of Criminal Appeals Misc. Docket No.
22-006



TX Rules of Civil Procedure –Rule 3a

Local Rules, Forms, and Standing Orders

- Misc. Docket Orders signed September 20 & 23, 2022
- Effective January 1, 2023
- Office of Court Administration(OCA) website is live to clerks and courts beginning 11/1/2022 to provide adequate time for posting documents before the effective date.
 - Courts will upload their local rules, forms and standing orders to the OCA website here:

<https://courtal.txcourts.gov/>



RULE 3a. LOCAL RULES, FORMS, AND STANDING ORDERS

(a) **General Rule.** An administrative judicial region or a court governed by these rules may promulgate local rules, forms, and standing orders that govern local practice.

(b) **Relationship with Other Authorities.** Local rules, forms, and standing orders must not be inconsistent with state or federal law or rules adopted by the Supreme Court of Texas. This requirement extends to any time period provided by these rules. If adopted by a court, local rules, forms, and standing orders must not be inconsistent with any rule of the administrative judicial region in which the court is located.

(c) **Publication Required.** To be effective, local rules, forms, and standing orders must be published on the Office of Court Administration's website.



RULE 3a. LOCAL RULES, FORMS, AND STANDING ORDERS

- Comment to 2023 change: Rule 3a is amended to remove the requirement that the Supreme Court of Texas approve local rules and to expressly address local forms and standing orders. **The amended rule provides that local rules, forms, and standing orders must not conflict with other laws or rules and that they are not effective unless published on the Office of Court Administration's website.** Section 74.093(b) of the Texas Government Code imposes additional requirements for local rules.



Texas Government Code 74.093

Sec. 74.093. RULES OF ADMINISTRATION. (a) The district and statutory county court judges in each county shall, by majority vote, adopt local rules of administration.

(b) The rules must provide for:

- (1) assignment, docketing, transfer, and hearing of all cases, subject to jurisdictional limitations of the district courts and statutory county courts;
- (2) designation of court divisions or branches responsible for certain matters;
- (3) holding court at least once a week in the county unless in the opinion of the local administrative judge sessions at other intervals will result in more efficient court administration;



Texas Government Code 74.093

(4) fair and equitable division of caseloads; and

(5) plans for judicial vacation, sick leave, attendance at educational programs, and similar matters.

(c) The rules may provide for:

(1) the selection and authority of a presiding judge of the courts giving preference to a specified class of cases, such as civil, criminal, juvenile, or family law cases;

(2) other strategies for managing cases that require special judicial attention;

(3) a coordinated response for the transaction of essential judicial functions in the event of a disaster; and

(4) any other matter necessary to carry out this chapter or to improve the administration and management of the court system and its auxiliary services.



Texas Government Code 74.093

(c-1) The rules may provide for the establishment and maintenance of the lists required by Section 37.003, including the establishment and maintenance of more than one of a list required by that section that is categorized by the type of case, such as family law or probate law, and the person's qualifications.

(d) Rules relating to the transfer of cases or proceedings shall not allow the transfer of cases from one court to another unless the cases are within the jurisdiction of the court to which it is transferred. When a case is transferred from one court to another as provided under this section, all processes, writs, bonds, recognizances, or other obligations issued from the transferring court are returnable to the court to which the case is transferred as if originally issued by that court.



Texas Rules of Appellate Procedure – Rule 1

Rule 1. Scope of Rule; Local Rules of Courts of Appeals

1.1. Scope

These rules govern procedure in appellate courts and before appellate judges and post-trial procedure in trial courts in criminal cases.

1.2. Local Rules and Forms

(a) Promulgation. A court of appeals may promulgate rules and forms governing its practice that are not inconsistent with state or federal law or rules adopted by the Supreme Court or the Court of Criminal Appeals. **To be effective, local rules and forms must be published on the Office of Court Administration's website.**

(b) Party's Noncompliance. A court must not dismiss an appeal due to a party's failure to comply with a local rule or form without giving the noncomplying party notice and a reasonable opportunity to cure the noncompliance.



Texas Rules of Appellate Procedure – Rule 1

Comment to 2023 change: Rule 1.2 is amended to remove the requirement that the Supreme Court of Texas and Court of Criminal Appeals approve local rules and to expressly address local forms. **The amended rule provides that local rules and forms must not conflict with other laws or rules and that they are not effective unless published on the Office of Court Administration’s website.**



Texas Rules of Judicial Administration- Rule 10

Rule 10. Local Rules, Forms, and Standing Orders.

(a) **General Rule.** Local rules, forms, and standing orders must not be inconsistent with other laws or rules and must be published on the Office of Court Administration's website.

(b) **Multi-Court Counties.** In multi-court counties having two or more court divisions, each division must adopt a single set of local rules, forms, and standing orders that govern all courts in the division.



Texas Rules of Judicial Administration- Rule 10

(c) **Local Rule Contents.** Local rules must include:

(1) provisions for fair distribution of the caseload among the judges in the county;

(2) designation of the responsibility for emergency and special matters;

(3) plans for judicial vacation, sick leave, attendance at educational programs, and similar matters; and

(4) any other content required by sections 27.061 or 74.093(b) of the Texas Government Code.



Texas Rules of Judicial Administration- Rule 10

(d) **Format.** Local rules, forms, and standing orders must be submitted in a format specified by the Office of Court Administration.

(e) **Presiding Judge Authority.** The presiding judge of an administrative judicial region may direct a court in the region to amend or withdraw a local rule, form, or standing order if the presiding judge determines that the rule, form, or standing order fails to comply with Rule 3a of the Texas Rules of Civil Procedure or that it is unfair or unduly burdensome.

(f) **Supreme Court Authority.** The Supreme Court may direct a court to amend or withdraw a local rule, form, or standing order if the Supreme Court determines that the rule, form, or standing order fails to comply with Rule 3a of the Texas Rules of Civil Procedure or Rule 1.2 of the Texas Rules of Appellate Procedure or that it is unfair or unduly burdensome.



Conflict Resolution Information

- Rule of Judicial Administration 10 (e) & (f) set out a review process of local rules/forms/standing orders that may conflict with other rules/laws, be overly burdensome, etc., by providing the presiding administrative judge and the Supreme Court the authority to amend or withdraw local rules that do not comply.
- The **public website <https://topics.txcourts.gov/> (live to public on January 1, 2023)** will direct attorneys and the public with the following instruction:

“Complaints that a local rule, form, or standing order conflicts with other laws or rules, is ineffective, or is unfair or unduly burdensome may be presented first in writing to the presiding judge of the administrative judicial region in which the court is located, then in writing to the Supreme Court of Texas at rulescomments@txcourts.gov.”




Texas Rules of Judicial Administration- Rule 10

Comment to 2023 change: Rule 10 is amended to implement the changes to Texas Rule of Civil Procedure 3a and Texas Rule of Appellate Procedure 1.2. But it also applies to local justice court rules authorized by section 27.061 of the Texas Government Code. Paragraphs (e) and (f) expressly authorize the regional presiding judges and the Supreme Court to direct changes to or the repeal of local rules, forms, and standing orders.



OCA Website Review



Texas Judicial
BRANCH

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Local Rules, Forms and Standing Orders

Site Search

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RULES, FORMS & ORDERS HOME

- Clerk Information & Instructions**
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- Frequently Asked Questions

CLERK INFORMATION & INSTRUCTIONS

The Office of Court Administration's Local Rules, Forms, and Standing Orders website is available for posting local rules, forms, and standing orders. This website was created in response to Texas Rule of Civil Procedure 3a, Texas Rule of Appellate Procedure 1.2, and Texas Rule of Judicial Administration 10, which require (effective **January 1, 2023**) that courts post their local rules, forms, and standing orders to this website to be effective. All local rules, forms, and standing orders are uploaded by court clerks or court staff and are viewable by the public. They must be uploaded in text-searchable PDF format. Please ensure proper formatting and that the content of your posting is accurate to eliminate the need to edit and resubmit your posting.

**LOCAL RULES,
FORMS &
STANDING ORDERS
(CLERKS)**

For authorized user information and user guide contact: oca-legalsupport@txcourts.gov

OCA Court Tools

Sign in with Email

Enter the email address associated with your account and a link will be sent to your inbox.

Submit

NOTICE: This system is for authorized users only. Attorneys, paralegals, and members of the general public cannot be added to the system as authorized users.

For public access to published Citations and Notices, Protective Orders or Local Rules, Standing Orders, and Forms, please visit <https://topics.txcourts.gov>

For further assistance contact us at OCA-Legalsupport@txcourts.gov.



Frequently Asked Questions & Answers

<p>1. <u>Where can I learn more about the local rules, forms, and standing order process?</u></p>	<p>Texas Rule of Civil Procedure 3a, Texas Rule of Appellate Procedure 1.2, and Texas Rule of Judicial Administration 10 govern local rules, forms, and standing orders.</p> <p>District and county courts should also review Texas Government Code section 74.093.</p> <p>Justice courts should also review Texas Government Code section 27.061.</p>
<p>2. <u>Are district and county courts required to post their local rules, forms, and standing orders?</u></p>	<p>District and county courts must post their local rules, forms, and standing orders to OCA's Local Rules, Forms, and Standing Orders website to be effective and enforceable in those courts.</p>
<p>3. <u>Can justice courts post their local rules, forms, and standing orders on OCA's Local Rules, Forms, and Standing Orders website?</u></p>	<p>Yes. In fact, the amendment to Rule of Judicial Administration 10 effective January 1, 2023, makes clear that justice courts are required to post their local rules to OCA's Local Rules, Forms, and Standing Orders website for them to be effective. Justice courts need not post their local forms or standing orders, but they can.</p>



Frequently Asked Questions & Answers

<p>4. <u>Can municipal courts post their local rules, forms, and standing orders on OCA's Local Rules, Forms, and Standing Orders website?</u></p>	<p>Yes, but it's not required.</p>
<p>5. <u>I am the head/lead clerk, and I cannot access OCA's Local Rules, Forms, and Standing Orders website. What do I do?</u></p>	<p>Please contact OCA at: oca-legalsupport@txcourts.gov</p>
<p>6. <u>I am clerk staff or court staff and I need authorized user status. How do I get that?</u></p>	<p>The head/lead clerk is the manager of the account and is the only person who can add users and determine their level of access. The head/lead clerk can assign management duties to the deputy clerk or other designee.</p>
<p>7. <u>I've logged in to OCA's Local Rules, Forms, and Standing Orders website. How do I get started adding a document?</u></p>	<p>Once you've signed in, click the "Add Document" button.</p>



Frequently Asked Questions & Answers

<p>8. <u>Does my document need to be in a special format?</u></p>	<p>Yes. Your document must be a text-searchable PDF.</p>
<p>9. <u>What is the effective date of the local rules, forms, and standing orders that I post on OCA's Local Rules, Forms, and Standing Orders website?</u></p>	<p>Texas Rule of Civil Procedure 3a, Texas Rule of Appellate Procedure 1.2, and Texas Rule of Judicial Administration 10 provide that local rules, forms, and standing orders must be posted to be effective.</p> <p>That means you cannot use a retroactive effective date.</p> <p>You may set the effective date as the date you posted the document or any date after the posting date.</p>
<p>10. <u>I uploaded the wrong document. What do I do?</u></p>	<p>Find the document and click the "Edit" link associated with it. On the "Edit Local Rules, Standing Orders, Forms" page, select "Delete Document Uploaded in Error" as your "Edit Reason."</p> <p>The "Delete Document Uploaded in Error" function will only be available for 30 days after upload. So, please be careful and act quickly if you make a mistake.</p>



Frequently Asked Questions & Answers

<p>11. Why can't I delete a document that I uploaded in error? And what should I do instead?</p>	<p>The time for deleting the document (30 days) has expired.</p> <p>You should select "Remove Document No Longer in Use/Effect" or "Replace Document" as your "Edit Reason," depending on what you wish to accomplish.</p>
<p>12. <u>My court(s) amended a document I already uploaded. What do I do?</u></p>	<p>Find the document you want to replace and click the "Edit" link associated with it. On the "Edit Local Rules, Standing Orders, Forms" page, select "Replace Document" as your "Edit Reason."</p>
<p>13. <u>My court(s) want to replace a document I already uploaded with a new one. What do I do?</u></p>	<p>Find the document you want to replace and click the "Edit" link associated with it. On the "Edit Local Rules, Standing Orders, Forms" page, select "Replace Document" as your "Edit Reason."</p>



Frequently Asked Questions & Answers

<p>14. <u>I accidentally assigned the wrong court(s) to a document I uploaded. What do I do?</u></p>	<p>Find the document and click the “Edit” link associated with it. On the “Edit Local Rules, Standing Orders, Forms” page, select “Update Document Details/Court Associations” as your “Edit Reason.”</p>
<p>15. <u>I uploaded a document, but now I’d like to provide a more descriptive document name. What do I do?</u></p>	<p>Find the document and click the “Edit” link associated with it. On the “Edit Local Rules, Standing Orders, Forms” page, select “Update Document Details/Court Associations” as your “Edit Reason.”</p>
<p>16. <u>What is the difference between the “Remove Document No Longer in Use/Effect” edit reason and the “Replace Document” edit reason?</u></p>	<p>The “Remove Document No Longer in Use/Effect” edit reason can be used to remove temporary, discontinued, or abandoned documents. The “Replace Document” edit reason can be used to replace an outdated document with an updated document. It combines removing and adding in a single step.</p>
<p>17. <u>I accidentally assigned the wrong effective date to a document I uploaded. What do I do?</u></p>	<p>Find the document and click the “Edit” link associated with it. On the “Edit Local Rules, Standing Orders, Forms” page, select “Update Document Details/Court Associations” as your “Edit Reason.”</p>





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