

**IN THE SUPREME COURT OF TEXAS**

Misc. Docket No. 95- 9143

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**APPROVAL OF AMENDMENTS TO LOCAL RULES  
FOR THE DISTRICT AND COUNTY COURTS,  
WEBB COUNTY, TEXAS**

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**ORDERED:**


Pursuant to Rule 3a of the Texas Rules of Civil Procedure, the Supreme Court approves the following local rules amendments, which have been submitted to this Court:

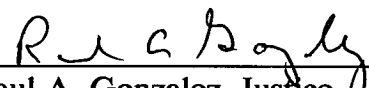
Amendment to Rule 3.34 (Alternative Dispute Resolution) of the Local Rules for the District and County Courts of Webb County, Texas, dated May 3, 1995; and

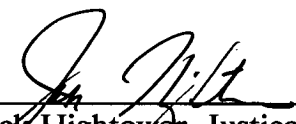
Rule 3.34.1 (Guardians and Attorneys Ad-Litem) of the Local Rules for the District and County Courts of Webb County, Texas, dated May 3, 1995.

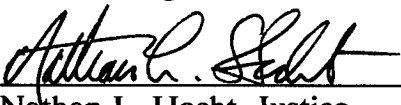
The approval of these rules is temporary, pending further orders of the Court.

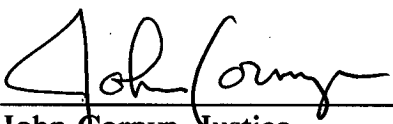
SIGNED AND ENTERED this 5<sup>th</sup> day of July, 1995


  
Thomas R. Phillips, Chief Justice

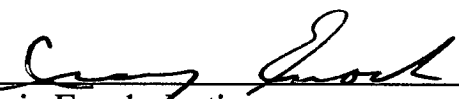
  
Raul A. Gonzalez, Justice

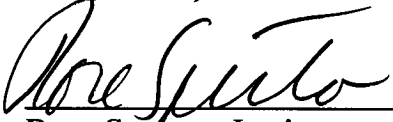
  
Jack Hightower, Justice


  
Nathan L. Hecht, Justice

  
John Cornyn, Justice

  
Bob Gammage, Justice

  
Craig Enoch, Justice

  
Rose Spector, Justice

  
Priscilla R. Owen, Justice

AMENDMENT TO RULE 3.34

THE FOLLOWING RULE WAS AMENDED OR ADOPTED  
ON MARCH 1, 1995 AT THE ADMINISTRATIVE JUDGES MEETING

Rule 3.34 Alternative Dispute Resolution

PRESENT RULE 3.34, ALTERNATIVE DISPUTE RESOLUTION reads as follows:

Cases may be referred to alternative dispute resolution by the Judges of the Courts of Webb County on their own motion or on the motion of one of the parties, subject to the discretion of the assigned judge presiding at settlement week.

AMENDED AND ADOPTED RULE 3.34 ALTERNATIVE DISPUTE RESOLUTION

Rule 3.34 Alternative Dispute Resolution

A. POLICY: Cases may be referred to alternative dispute resolution by the Judges of the Courts of Webb County on their own motion or on motion of a party, subject to the discretion of the Presiding Judge.

B. PROCEDURE: Counsel and/or parties requesting the appointment of a Mediator shall promptly advise the Presiding Judge of such request. No case shall be referred to mediation and no Mediator shall serve or be appointed prior to the entry of an appropriate Order by the Presiding Judge of the Court where the case is on file unless otherwise agreed and ordered by the Presiding Judge. The Order shall require the parties to appear for alternative dispute resolution or or before a date certain. Nothing in this rule shall prevent counsel and/or parties from reaching an agreement to designate a person to serve as Mediator in a case; provided, however, that such designation shall be confirmed by written Order of the Presiding Judge of the Court in which the case is pending, and provided further, that such designation is not otherwise in conflict with this rule. All Mediators designated by agreement shall be subject to Court approval. The Mediator shall be entitled to the fee as may be agreed to by the parties and/or ordered by the Court. Within five working days after completion of the Mediator's work in any case, the Mediator shall report to the Court the appearances by the Parties and their counsel, the outcome of the mediation and the total amount of fees charged or collected for their services rendered in said case and the identity of person(s) paying said fees.

C. PERSONS QUALIFIED: No Visiting or Presiding Judge in such case nor any person appointed as Guardian/Attorney Ad-Litem in such case shall also serve as Mediator in said case.

ADOPTED RULE 3.34.1 GUARDIANS AND ATTORNEYS AD-LITEM

Rule 3.34.1 Guardians and Attorneys Ad-Litem

A. POLICY: Attorneys Ad-Litem and/or Guardians Ad-Litem may be appointed by the Judges of the Courts of Webb County on their own motion or on motion of a party, subject to the sole discretion of the Presiding Judge.

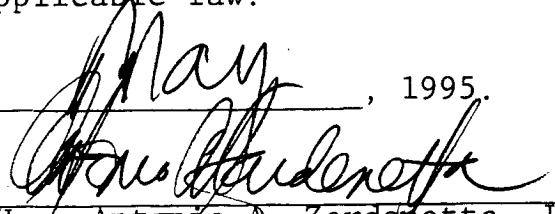
B. PROCEDURE: Counsel and/or parties requesting the appointment of an Attorney/Guardian Ad-Litem, as in friendly suits etc., shall promptly advise the Presiding Judge of such request at least 10 days prior to any hearing requiring the presence and participation of an Attorney/Guardian Ad-Litem. Notwithstanding any agreement of counsel and/or parties to the contrary, no person shall serve or be appointed or designated as an Attorney/Guardian Ad-Litem in any case prior to the entry by the Presiding Judge of the Court where the case is on file of an appropriate Order reflecting such appointment. The Attorney/Guardian Ad-Litem shall be entitled to only one fee as may be agreed to and/or ordered by the Court and upon completion of their work in any case shall promptly report the total amount of fees charged or collected for their services rendered in said case and the identity of person(s) paying said fees.

C. PERSONS QUALIFIED: No Visiting or Presiding Judge in such case nor any person appointed as Mediator in such case shall also serve as Attorney/Guardian Ad-Litem in said case. All persons appointed to serve as Attorneys/Guardians Ad-Litem shall be qualified to serve in such capacity under applicable law.

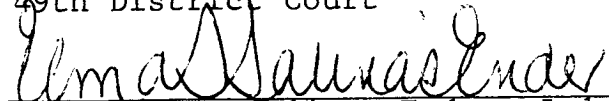
SIGNED on the 3 day of May, 1995.



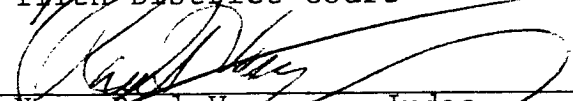
Hon. Manuel R. Flores, Judge  
49th District Court



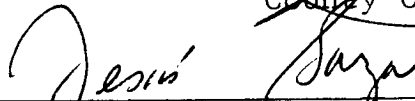
Hon. Antonio A. Zardenetta, Judge  
11th District Court



Hon. Elma T. Salinas Ender, Judge  
341st District Court

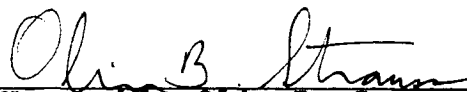


Hon. Raul Vasquez, Judge  
County Court-at-Law #1



Hon. Jesus Garza, Judge  
County Court-at-Law #2

APPROVED BY the Honorable Olin B. Strauss, Administrative  
Judge, Fourth Administrative Region, on the 4<sup>th</sup> day of  
May, 1995.

  
\_\_\_\_\_  
Honorable Olin B. Strauss  
Administrative Judge  
Fourth Administrative Region

APPROVED BY the Supreme Court, State of Texas, on the \_\_\_\_\_  
day of \_\_\_\_\_, 1995.

\_\_\_\_\_  
Honorable Thomas R. Phillips  
Chief Justice  
State of Texas, Supreme Court



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

POST OFFICE BOX 12248      AUSTIN, TEXAS 78711  
TEL: (512) 463-1312  
FAX: (512) 463-1365

CLERK  
JOHN T. ADAMS

JUSTICES  
RAUL A. GONZALEZ  
JACK HIGHTOWER  
NATHAN L. HECHT  
JOHN CORNYN  
BOB GAMMAGE  
CRAIG ENOCH  
ROSE SPECTOR  
PRISCILLA R. OWEN

EXECUTIVE ASS T  
WILLIAM L. WILLIS

ADMINISTRATIVE ASS T  
NADINE SCHNEIDER

July 6, 1995

Hon. Manuel R. Flores  
49th District Court  
Post Office Box 789  
Zapata, Texas 78076

Dear Judge Flores,

Enclosed is a copy of an order of The Supreme Court of Texas of July 5, 1995 concerning local rules for the district and county courts of Webb County.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

Encl.

cc: Hon. Olin B. Strauss  
Hon. Antonio A. Zardenetta  
Hon. Elma T. Salinas Ender  
Hon. Raul Vasquez  
Hon. Jesus Garza  
District Clerk  
County Clerk  
Supreme Court Advisory Committee  
Office of Court Administration  
State Law Library



*Hebert*

**OLIN B. STRAUSS**

Presiding Judge

FOURTH ADMINISTRATIVE JUDICIAL REGION

Atascosa County Courthouse

P.O. Box 161

Jourdanton, Texas 78026

Direct line San Antonio to Jourdanton

626-1205

**LESLIE M. BOCHNIAK**

Administrative Assistant

(210) 769-3182

Fax (210) 769-3519

COUNTIES - FOURTH  
ADMINISTRATIVE  
JUDICIAL REGION:

ARANSAS  
ATASCOSA  
BEE  
BEXAR  
CALHOUN  
DEWITT  
DIMMIT  
FRIO  
GOLIAD  
JACKSON  
KARNES  
LASALLE  
LIVE OAK  
MAVERICK  
MCMULLEN  
REFUGIO  
SAN PATRICIO  
VICTORIA  
WEBB  
WILSON  
ZAPATA  
ZAVALA

May 4, 1995

Honorable Thomas R. Phillips  
Chief Justice, Supreme Court of Texas  
P. O. Box 12248  
Austin, Texas 78711

Dear Justice Phillips:

Enclosed please find an amendment to the Local Rules of Webb County. Judge Strauss has signed the amendment and we are submitting it for approval by the Supreme Court.

If you have any questions or need any additional information, please do not hesitate to call.

Sincerely,

*Leslie M. Bochniak*

Leslie M. Bochniak  
Administrative Assistant  
Fourth Judicial Region of Texas

*UP -  
PLS prepare  
order*