

IN THE SUPREME COURT OF TEXAS


Misc. Docket No. 02- 9093


ORDER APPROVING LOCAL RULES FOR THE CIVIL DISTRICT COURTS
OF BEXAR COUNTY


ORDERED that:

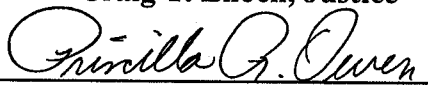
Pursuant to Rule 3a of the Texas Rules of Civil Procedure, the following Local Rules for the Civil District Courts of Bexar County are approved. This approval is temporary pending further orders of the Court.

SIGNED AND ENTERED this 21st day of May, 2002.


Thomas R. Phillips, Chief Justice


Nathan L. Hecht, Justice


Craig T. Enoch, Justice


Priscilla R. Owen, Justice


James A. Baker, Justice

Misc. Docket Order 02-_____

• *No announcement by other side.* If the opposing party does not answer, the judge will call you to the bench after the docket has been called and will review the file to confirm notice and to discuss with you the relief to be granted. In certain situations, the judge may ask you to telephone the other lawyer and find out why he or she did not come to court. This practice helps avoid time-consuming motions for rehearing.

• *Ready.* If you have already conferred with opposing counsel, the matter cannot be resolved by agreement, and you need a hearing, you should announce ready.

• *Not ready.* This means you have conferred, you are not ready, and you want to postpone the hearing. Presumably, the other side will not agree to a continuance; otherwise the setting would be dropped or reset by agreement.

• *Conferring.* Frequently you will want to talk with opposing counsel in the hall or a conference room, but you want to keep your setting and be assigned to a court in the event you cannot reach an agreement. Judges want lawyers to confer because many disputes can be resolved when the lawyers talk face-to-face. Frequently, in family-law cases there has been no opportunity to talk. The suit has just been filed, and the petitioner does not know whether the respondent will appear, or whether he has retained an attorney or is pro se. In such cases the judge will want both sides to confer, at least briefly. After you have conferred, if there is no agreement and you need a ruling, you should return to court and give your announcement and time estimate to the clerk or the judge. If you are still conferring at 11:00 A.M., you must report this to the clerk so the case will be kept on the docket while you continue to confer.

• *Dropped settings.* In many cases you have not been able to serve or notify the other side, or you have your opponent's agreement to drop the setting and try to work things out informally, or perhaps you and your opponent have resolved your matter by agreement but do not intend to have a written order signed. In these situations you should ask that the setting be dropped. You have no *right* to drop a setting over your opponent's objection, even when it is your setting.

• *Agreed resets.* This means you and opposing counsel both want the matter reset. If you are ready and have conferred but cannot agree to the other side's request for a reset, you should announce ready and let your opponent seek a continuance.

• *Agreed orders.* When the issues set for hearing have been settled, a written agreed order should be submitted later. Be sure to state whether you need to present proof (e.g., in divorce settlements) or make a record pursuant to Rule 11, T.R.C.P.

• *Time estimates.* Attorneys are expected to make realistic estimates of the time they think will be needed for the entire hearing.

Rule 4.

- *Limits on weekly settings.* Years of experience with this system have proven that no week should be overloaded with jury settings because if too many cases are set at one time the courts will not be able to try all of them. If this were allowed to happen, the system would lose the predictability that is one of its main strengths. For this reason, the Jury Assignment Clerk sets limits on the number of weekly jury settings. Most of the time, each case is reached and disposed of during the week of the initial setting. Any remaining cases are invariably reached and tried during carry-over week.

- *Longer nonjury cases* are removed from the Presiding Court docket and assigned with the jury cases because the Presiding Court cannot afford to devote any of its three assisting judges or the Family Law Master to a long case.

- *Carry-over week* is an important part of the system because it adds certainty to the trial settings earlier in the month: Lawyers and litigants know that any cases not reached earlier in the month will be tried during the last week of the month, and this knowledge promotes settlement.

- *Special settings* are given only when there are several out-of-town witnesses or parties, or when the litigants and witnesses have significant scheduling problems. In addition, they are sometimes granted in cases that will require two weeks or more to try. Within one week after a case has been given a special setting, the attorneys are expected to submit an agreed pretrial scheduling order or, if agreement is not reached, to set the matter for hearing.

- *Complex Cases.* The central docket is not designed to handle those rare cases which are very complicated and require repeated pretrial hearings. In such cases, the central docket can produce inconsistent rulings, as lawyers constantly have to “reinvent the wheel” with each new judge who is assigned a hearing.

Rule 5.

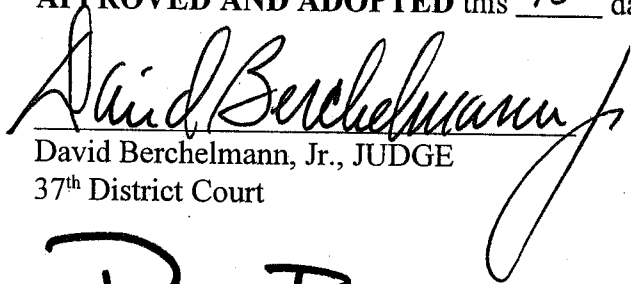
The order that sets the matter for trial or other hearing may consist of a short order at the end of the motion.

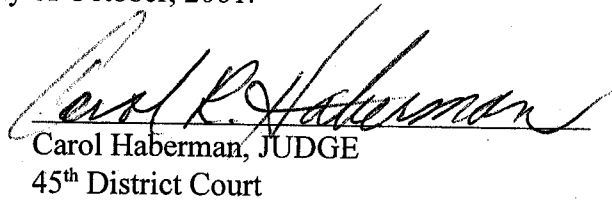
Rule 6.

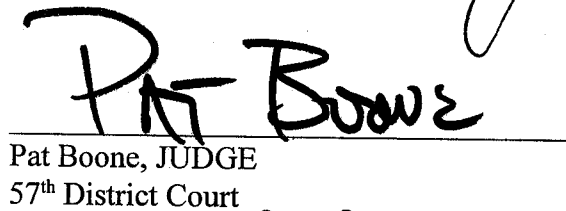
- *Temporary Restraining Orders.* When relying on rule 6(c)(2), the applicant should describe with reasonable particularity the unsuccessful efforts to contact opposing counsel.

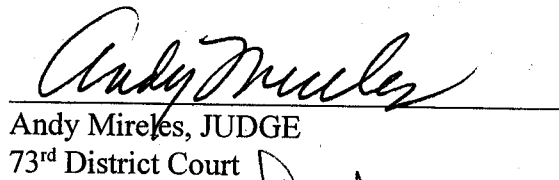
Administrative Offices. The administrative offices of the Civil District Courts may be contacted as follows: *Presiding Civil Court:* 210-335-2000; *Jury Assignment Clerk:* 210-335-2520; *ADR Coordinator:* 210-335-3930

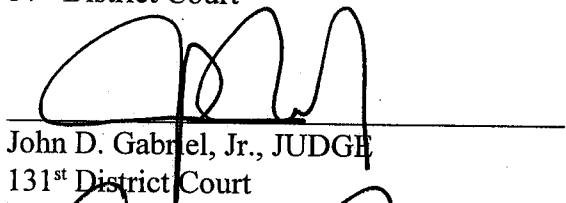
APPROVED AND ADOPTED this 10TH day of October, 2001.

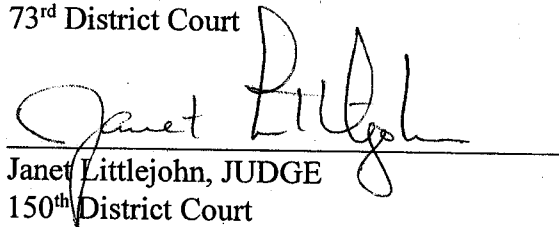

David Berchermann, Jr., JUDGE
37th District Court

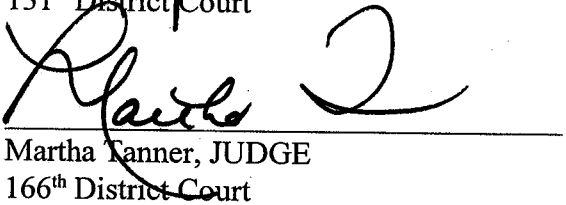

Carol Haberman, JUDGE
45th District Court

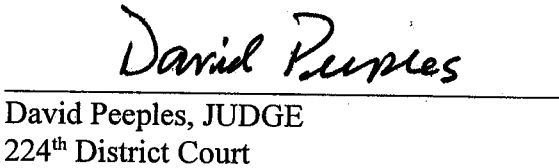

Pat Boone, JUDGE
57th District Court

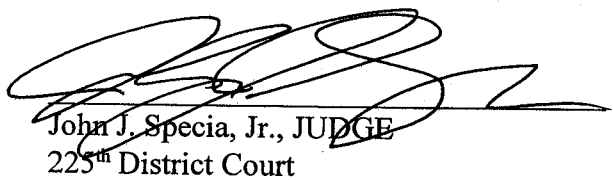

Andy Mireles, JUDGE
73rd District Court

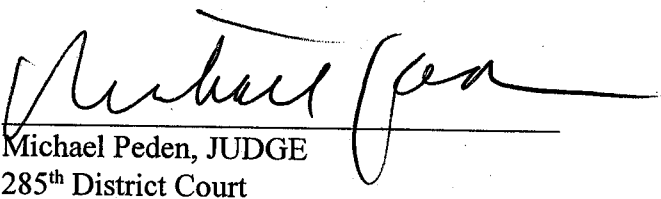

John D. Gabriel, Jr., JUDGE
131st District Court

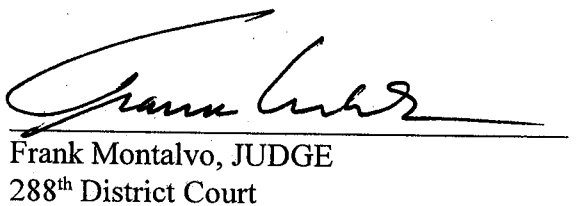

Janet Littlejohn, JUDGE
150th District Court

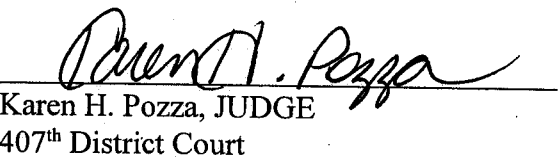

Martha Fanner, JUDGE
166th District Court

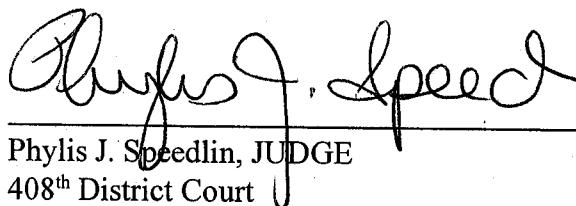

David Peeples, JUDGE
224th District Court


John J. Specia, Jr., JUDGE
225th District Court


Michael Peden, JUDGE
285th District Court


Frank Montalvo, JUDGE
288th District Court


Karen H. Pozza, JUDGE
407th District Court


Phylis J. Speedlin, JUDGE
408th District Court



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

JUSTICES
NATHAN L. HECHT
CRAIG T. ENOCH
PRISCILLA R. OWEN
JAMES A. BAKER
DEBORAH G. HANKINSON
HARRIET O'NEILL
WALLACE B. JEFFERSON
XAVIER RODRIGUEZ

May 21, 2002

CLERK
JOHN T. ADAMS

EXECUTIVE ASSISTANT
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASST
JIM HUTCHESON

ADMINISTRATIVE
ASSISTANT
NADINE SCHNEIDER

Hon. Sid L. Harle
Admin. Judge and Judge
226th District Court
300 Dolorosa, #2081
San Antonio, Texas 78205-3028

Dear Judge Harle,

Please find enclosed, a copy of the order of the Supreme Court that temporarily approved local rules for the civil district courts of Bexar County.

Sincerely,

SIGNED

John T. Adams
Clerk

Encl.

cc: Hon. Olen Underwood
2nd Admin Judicial Rgn

District Clerk

County Clerk

Supreme Court Adv Committee

State Law Library