

IN THE SUPREME COURT OF TEXAS


Misc. Docket No. 06- 9155

APPROVAL OF LOCAL RULES FOR THE DISTRICT COURTS OF TRAVIS COUNTY

ORDERED that:

Pursuant to Texas Rule of Civil Procedure 3a, the following Local Rules for the District Courts of Travis County are approved.

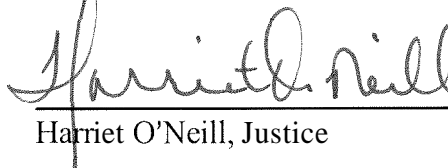
In Chambers, this 29th day of November, 2006.




Wallace B. Jefferson,



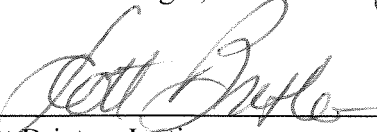
Nathan L. Hecht, Justice



Harriet O'Neill, Justice




J. Dale Wainwright, Justice

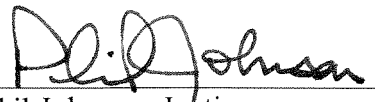


Scott Brister, Justice


David M. Medina, Justice



Paul W. Green, Justice



Phil Johnson, Justice



Don R. Willett, Justice

THIRD ADMINISTRATIVE JUDICIAL REGION

B. B. SCHRAUB, PRESIDING JUDGE

830-379-8556

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101 EAST COURT STREET, ROOM 302
SEGUIN, TEXAS 78155-5742

DIANNE GRIEPENTROG

September 15, 2006

The Honorable Wallace B. Jefferson
Chief Justice, The Supreme Court of Texas
P.O. Box 12248
Austin, Texas 78711

**RE: AMENDED LOCAL RULES OF
CIVIL PROCEDURE AND RULES OF DECORUM
THE DISTRICT' COURTS OF TRAVIS COUNTY, TEXAS**

Dear Chief Justice Jefferson:

Enclosed you will find original Amended Local Rules of Civil Procedure and Rules of Decorum in the District Courts of Travis County, Texas.

I respectfully request this matter be submitted to the Supreme Court for their consideration and approval.

Very truly yours,



B.B. Schraub

BBS/dg

Enclosure

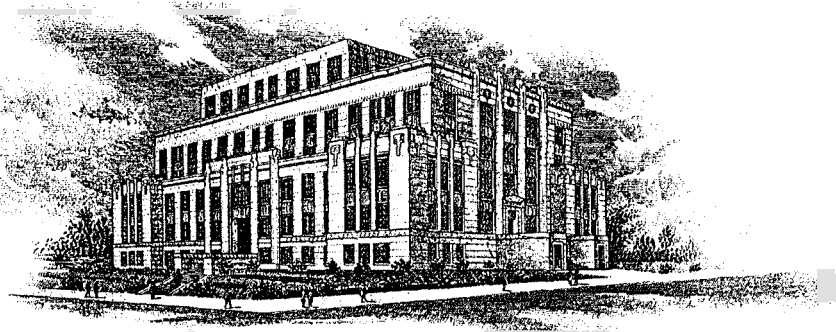
xc: The Honorable John K. Dietz, Travis County Local Administrative Judge

CERTIFICATE OF APPROVAL

The attached Amended Local Rules of Civil Procedure and Rules of Decorum in the District Courts of Travis County, Texas are hereby approved and transmitted to the Supreme Court of Texas for final action this 15th day of September, 2006.

A handwritten signature in cursive script, reading "B.B. Schraub". The signature is written in black ink and is positioned above a horizontal line.

**B.B. Schraub, Presiding Judge
Third Administrative Judicial Region**



Office of the District Judges
Travis County Court House
P.O. Box 1748
Austin, Texas 78767
(512) 473-9300

September 8, 2006
~~August 21, 2006~~

The Honorable B.B. Schraub
Presiding Judge, Third Administrative Judicial Region
101 E. Court Street, Room 302
Seguin, Texas 78155

Dear Judge Schraub:

On Wednesday, July 19, 2006, the Civil District Judges of Travis County, Texas, voted to amend the attached "Local Rules of Civil Procedure and Rules of Decorum, The District Courts of Travis County, Texas." The substantive changes are summarized below:

- Added definitions page - (See Page 1)
- Amended Chapter 3.9 with regards to "Notice of Visiting Judge Assignment and Procedure for Objections" as recommended by the Supreme Court staff - (See Page 13)
- Amended Chapter 15, "Electronic Filing of Court Documents" to allow our courts in Travis County the authority to order eFiling in particular case types without requiring motions of parties. In our ongoing effort to address the immediate and long-term problems of maintaining efficient filing, circulation and storage systems for Travis County court records, the District Judges, Commissioners' Court and the District Clerk are very supportive of electronic filing (eFiling) in Travis County. - (See Page 41)

Removed chapter on facsimile (FAX) filings.



The Honorable B.B. Schraub
~~Monday, August 21, 2006~~
Page Two

September 8, 2006

Please contact our Court Administrator, Warren Vavra at 512/854-4486 or our Civil Court Director, Peg Liedtke, at 512/854-9364, if you have any questions. Thank you very much for your assistance.

Very truly yours,

A handwritten signature in black ink that reads "John K. Dietz". The signature is written in a cursive style with a large, sweeping initial "J".

JOHN K. DIETZ
Local Administrative Judge
Travis County District Courts
Austin, Texas

enclosures

**LOCAL RULES
OF
CIVIL PROCEDURE
AND
RULES OF DECORUM**

The District Courts of Travis County, Texas

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DEFINITIONS

1. **Announcement Docket:** The period during which announcement of “ready” and the _____ for the entire setting is provided to the Court Administrator for use in scheduling the docket (Chapters 3 and 5).
2. **Central Docket:** Travis County operates a "Central Docket" whereby cases are set for hearing by assignment to available Judges on the jury and _____ or short docket. Cases are not necessarily heard by the Judge in whose court the case is filed, but are heard by the Judge(s) available to the docket at the date and time a matter is set.
3. **Courthouse:** All references to the "Courthouse" refer to the Heman Marion Sweatt Travis County Courthouse.
4. **Duty Judge:** each week a Judge is assigned as "Duty Judge" to hear all uncontested matters, emergency hearings and requests for temporary restraining orders.
5. **Non-Jury Long Docket:** a case set on the non-jury docket for which the entirety of the matter set for hearing is expected to last more than three hours. All such cases are called on Monday of non-jury weeks at 9:00 a.m.
6. **Non-Jury Short Docket:** a case set on the non-jury docket for which the entirety of the matter set for hearing is expected to last three hours or less. All such cases are called at 9:00 a.m. or 2:00 p.m. on the date the matter is set for hearing.
7. **Party:** The term "party" includes attorney(s) and persons appearing *pro se*.
8. **Settings**
 - a) **Backup Setting:** more than one setting of a matter (must be approved by a Judge for good cause).
 - b) **In-Order Setting:** a setting before a specific Judge on a particular date and time, but without preference over other cases set at the same date and time.
 - c) **Preferential Setting:** a setting at a defined date, time and line number. Two such settings are available at 9:00 _____ 2:00 p.m. each day of non-jury weeks. Such settings are ordinarily reserved for cases with multiple parties, out-of-town counsel or where other circumstances necessitate a guaranteed hearing on a specific date. **No preferential settings are available for jury trials.**

PROCEDURES

1. Filing.

All documents submitted for filing to the District Clerk, including any exhibits, must be submitted x 11" paper without any staples or hole punches.

2. Courtesy Copy

At hearings, each party shall present the court with a courtesy copy of any document that the party wishes the court to consider.

3. Notice to Trial Judge of Post-Trial Pleadings

When to notify: Notice must be given to the Trial Judge when a party files one or more of the following post-trial pleadings:

- (1) Request for Findings of Fact and Conclusions of Law (TEX. R. CIV. PROC. 296);
- (2) Notice of Past Due Findings of Fact and Conclusions of Law (TEX. R. CIV. PROC. 296);
- (3) Request for Preparation of the Court Reporter's Record (TEX. R. APP. PROC. 34.6); or
- (4) any affidavit of indigence filed in connection with an appeal (TEX. R. APP. PROC. 20.1).

How to Notify: Notice is to be given to the Trial Judge by the party filing the pleading by:

- (1) delivery of a copy of the pleading to the attention of the Trial Judge at the Office of the District Judges, Room 327 at the Courthouse;
- (2) mail addressed to the Trial Judge at P.O. Box 1748, Austin, TX 78767-1748; or
- (3) email to the attention of the Trial Judge by name in the subject line at notice.judge@co.travis.tx.us.

CHAPTER 1

GENERAL ORGANIZATION

1.1 Central Docket

The District Courts of Travis County (District Courts) are courts of general jurisdiction, and the Judges thereof will hear and determine civil, criminal, and juvenile cases as required. The District Courts have established a Central Docket that will control all civil matters set for 9:00 a.m. or 2:00 p.m. on Monday through Thursday, 9:00 a.m. on Friday, and all settings before the Civil Associate Judges.

All such matters will be assigned from the Central Docket to the Judges as necessary for the orderly dispatch of the business of the Courts, without considering whether any case is being assigned to the Judge of the Court in which it was filed.

1.2 Local Administrative Judge

By majority vote, the Judges of the District Courts of Travis County will elect their Local Administrative Judge, who will serve at their pleasure for a two-year term, and who shall have the general administrative responsibility and authority necessary for the proper functioning of the District Courts.

1.3 Court Administrator

The Central Docket and specialized dockets, including settings before Associate Judges in family law cases and settings before Tax Masters in delinquent property tax collection cases, will be administered by the Court Administrator for the Civil District Courts, under the supervision of the Local Administrative Judge, who may adjust the administration of said dockets from time to time as required for the orderly disposition of cases.

1.4 Attorney Mailing List

The Court Administrator will maintain a Court Administrator's Mailing List for mailing to attorneys schedules designating jury and non-jury weeks, amendments to these Rules, and other communications.

Each attorney must determine whether his or her name and address are correctly listed and must notify the Court Administrator of any error and/ or any change.

1.5 Rotating Assignment on Filing

Every pleading filed to initiate a new action that is required by law to be filed in a particular District Court must state the correct name of that Court and the law and circumstances that require the action to be filed in that Court. Upon request, the Clerk will file each such case in the Court designated by the pleading.

The District Clerk will file all other new cases by distributing them equally, on a rotating basis, among the District Courts.

The fact that a case is filed in a particular Court is not considered in assigning the case to a Judge for any hearing or trial on the Central Docket.

CHAPTER 2

THE SETTING OF CASES

2.1 Schedules for Jury/Non-Jury Weeks

The Court Administrator will develop a schedule designating jury weeks and non-jury weeks for each calendar year. A copy of this schedule may be obtained from the Court Administrator's office and is posted on the Travis County website at www.co.travis.tx.us.

2.2 Requesting a Setting

All jury and non-jury matters on the Central Docket will be set by the Court Administrator upon written or oral request of any party, and will be placed on the docket for each week, day, or half-day in the order in which such requests are received.

Judges should not be requested to sign orders setting cases except when a show cause order is necessary, or when some rule of law requires that an order for a setting be signed by a Judge and entered in the minutes by the Clerk. Any show cause or other order setting a case presented for signature to a Judge must be on a separate page and not combined with a pleading.

No setting will be accepted after the Friday preceding the announcement period except by agreement of all parties, unless it is governed by a statute requiring a hearing prior to the next available week on which settings may be scheduled.

2.3 Jury Settings

Each jury case will be set for 9:00 a.m. on Monday of a jury week and will be subject to trial during that week only.

2.4 Non-Jury Settings

Each request for a non-jury setting pursuant to this Rule or Rule 2.5 below shall include an estimate of the total hearing time required for the matter being set, and the notice of such setting served on other parties pursuant to Rule 2.9 below shall include said time estimate.

(a) Non-Tury Long Docket Settings

Each Non-Jury Long Docket matter will be set for 9:00 a.m. on Monday of a non-jury week and will be subject to trial or hearing at any time before noon on Thursday of the following week, but not thereafter. In the event of a Monday court holiday this docket will be set and called the first business day of the week.

(b) Non-Jury Short Docket Settings

Each Non-Jury Short Docket may be set for either 9:00 a.m. or 2:00 p.m. on any day during a non-jury week except Friday. Such a matter will be subject to trial or hearing at any time during the half day in which it is set, but not thereafter.

2.5 Non-Jury Settings on Jury Weeks

The following non-jury matters may be set on Thursdays of jury weeks:

- (a) Any matter that is required by law to be determined within a fixed time period; or
- (b) Any matter requiring 30 minutes or less.

Only matters that will require one day or less may be set pursuant to subparagraph (a); such matters will be given preference over those set pursuant to subparagraph (b).

2.6 Assignment of All or Part of Case to a Particular Judge

Upon the suggestion of any Judge, or upon request of a party and after conference with all parties, the Local Administrative Judge may assign all or part of a case to a particular Judge.

A setting before a particular Judge is not a preferential setting unless such setting is made pursuant to Local Rule 2.7.

2.7 Preferential Settings

Preferential settings are not available for civil jury trials. A request for a preferential setting of a non-jury matter will be granted by the Court only for good cause shown. No more than two non-jury preferential settings will be granted for any 9:00 a.m. or 2:00 p.m. docket.

After the beginning of the announcement docket, excluding the Friday docket subject to Local Rule 5.1, no request should be made for a preferential setting for the following week.

A preferential setting is not necessarily a setting before the Judge who granted it, or before any particular Judge, unless the matter is assigned by the Local Administrative Judge pursuant to Local Rule 2.6.

2.8 Duty to Announce

For all settings on the Central Docket, including preferential or "in order" settings before particular Judges, all docket call announcement rules must be observed or the setting will be moved to follow all announced cases.

2.9 Notice of Setting to be Provided by Party Obtaining the Setting

Setting notices are not mailed by the Court Administrator. A party obtaining a setting on the jury or non-jury docket must give notice to all parties of the time and date of a setting in the manner and within the time

provided by the Texas Rules of Civil Procedure and include with that notice the time estimated for the entire setting required by Local Rule 2.4.

2.10 When Settings to be Authorized by Court

The Court Administrator is not authorized to grant any of the settings described by this Rule.

A request for any of the following settings must be presented to a Judge:

- (a) A setting for trial on the merits or other matter if the request for the setting is made prior to the appearance day of any defendant named by the plaintiff's pleading.
- (b) A setting for a jury trial if a non-jury trial setting of the same case has been obtained after appearance day and before a jury fee was paid, unless an agreement to strike the non-jury setting, signed by all parties or their attorneys, is presented to the Court Administrator when the jury setting is requested; or
- (d) More than one setting of any matter ("Backup" Settings).

2.11 Duty to Notify Court Administrator

(a) Backup Settings

If a party's request for a Backup Setting is granted, that party shall immediately deliver to the Court Administrator a written memorandum signed by the Judge and stating the cause number and style of the case and listing all setting dates. Thereafter, when the matter is reached for trial or hearing, said party shall immediately deliver to the Court Administrator a written memorandum listing all settings that should be removed from the Central Docket.

(b) **Agreement to Pass a Setting**

If all parties agree to pass a setting for any reason, the Court Administrator shall be notified so that the matter can be removed from the docket.

2.12 Court Administrator Authorized to Strike Setting

If the Court Administrator determines that any setting has been obtained in violation of these Rules, the parties will be notified and the Court Administrator is authorized to strike the setting.

CHAPTER 3

ANNOUNCEMENT DOCKET AND THE ASSIGNMENT OF CASES FOR SETTINGS BEFORE THE CIVIL DISTRICT COURT

3.1 Announcement Docket

An announcement docket will be held Monday through Wednesday of each week for cases set the following week, except for announcement of Friday settings, governed by Local Rule 5.1.

3.2 Announcement

(a) When to Announce

Announcements will be taken beginning Monday at _____ and ending Wednesday at _____. During this period parties may give their announcement of ready and an updated estimate of time required for the entire hearing. A time estimate for one party only is unacceptable and may result in the case being moved to the bottom of the docket or reset to another docket.

(b) How to Announce

Announcements may be made:

- (1) by facsimile transmission to (512)854-9174;
- (2) in person at the Office of the Court Administrator, Room 435 of the Courthouse; or
- (3) by telephone by calling (512)854-9095.

(c) Resolution of Announcement Conflict between Long/Short Non-Jury Docket

Any time estimate controversy that would affect the assignment of a matter as between the Non-Jury Long or Short dockets will heard by the Duty Judge on Thursdays at 9:30 a.m. with the Continuance Docket.

Any party who contests the time estimate given with the notice of setting as required by Local Rules 2.4 and 2.9 shall give timely notice to all parties that such controversy will be heard on Thursday at 9:30 a.m. before the Duty Judge. The party requesting the hearing must deliver a copy of the motion and provide notice of the hearing to all parties.

(d) Duty to Announce for "In-Order" or Preferential Settings

An "In-Order" setting before a particular Judge or a Preferential Setting does not excuse the parties from announcing, and failure to announce will result in the setting being moved to the bottom of the docket following all announced cases. This rule also applies to settings in cases assigned to a particular judge pursuant to Chapters 2.6 and 10.

3.3 Unannounced Cases Moved to Bottom of Docket

Cases set, but in which no party announced, will be moved to the bottom of the list of cases set for the same time and will be heard only after all announced cases are heard and only if time permits.

3.4 Motions for Continuance

Motions for continuance not set on the Central Docket will be heard by the Duty Judge each Thursday at 9:30 a.m. This Rule does not relieve a movant of the burden of delivering a copy of the motion and giving notice of the hearing in the manner and within the time provided by the Texas Rules of Civil Procedure.

The name and location of the Duty Judge designated to hear motions for continuance will be posted on the bulletin board on the first and third floors of the Courthouse and posted on the Travis County website at www.co.travis.tx.us.

The party presenting the motion for continuance must obtain the Document Management System index from the District Clerk's office and

deliver it to the Duty Judge designated to hear motions for continuance, together with a copy of the motion, any response and a proposed order.

3.5 Passing a Setting

A matter may be removed from the Central Docket only upon notice and hearing, unless notice of an agreement to pass the hearing is presented to the Court Administrator in writing or by telephone at (512)854-9093, 9096, 9097, or 9098.

Cases set for trial after notice of intent to dismiss for want of prosecution may not be removed from the Central Docket by agreement.

3.6 Call of Jury and Non-Jury Long Docket

All jury cases and all Non-Jury Long Docket matters will be called at 9:00 a.m. on Monday of the week in which they are set. **Jury** cases not assigned at the docket call are subject to assignment at any time before noon on Wednesday of that week. **Non-Jury** Long Docket cases not assigned at the 9:00 a.m. docket call are subject to assignment at any time before noon on Thursday of the following week as Judges become available, and the parties must be ready to begin the trial or hearing when each case is reached.

The Court Administrator may excuse parties whose cases cannot be reached.

3.7 Call of Non-Jury Short Docket

Non-Jury Short Docket matters will be called at 9:00 a.m. p.m. Assignments of Non-Jury Short Docket cases to a particular court or to the court designated to hear "unassigned" cases will be posted on the bulletin board on the first and third floors of the Courthouse and on the Travis County website at www.co.travis.tx.us.

3.8 Posting of Settings and Order of Hearing

By Thursday at noon, the Court Administrator shall post a list of cases set the following week, and the order in which the cases will be heard. This list is also posted on the Travis County website at www.co.travis.tx.us.

3.9 Notice of Visiting Judge Assignment and Procedure for Objection

All or part of any case may be assigned for trial or hearing to any Judge eligible for assignment under the Court Administration Act (Visiting Judge). At or before noon each Thursday, the Court Administrator will post a notice naming the Visiting Judge(s) who will be assigned for the following two weeks. This notice will be posted on the first and third floors of the Courthouse and on the Travis County website at www.co.travis.tx.us. An objection to the assignment of a Visiting Judge to hear any case will be timely if the objection is delivered in writing to the Court Administrator before the case is called for hearing. Objections shall not be filed with the District Clerk. After the receipt of such an objection, the Court Administrator will not assign the case to that Judge. No such objection will be urged before or ruled upon by any Visiting Judge assigned by virtue of the Court Administration Act.

3.10 Settings Before the Associate Judges

For all settings before the Associate Judges, the Court Administrator will publish from time to time a statement of the procedures for taking announcements, setting and hearing motions for continuance, resolving time estimate controversies, resolving objections to an Associate Judge, and assigning and calling cases for hearing. The current statement of procedures may be obtained from the Court Administrator or on the Travis County website at www.co.travis.tx.us.

CHAPTER 4

MATTERS PRELIMINARY TO TRIALS ON THE MERITS

4.1 Cutoff Date for Pretrial Motions

Except for motions in *limine* and motions for continuance based on new circumstances, all exceptions and all pre-trial motions and pleas in every case shall be presented and heard no later than seven days prior to the Monday of the week the case is set for trial.

All such exceptions, motions, and pleas not presented and heard as set out above will be deemed waived except upon a showing of good cause for failure to comply with this Rule.

4.2 Motions in *Limine*

Before the commencement of the trial, motions in *limine* not previously heard will be heard by the Judge to whom the case is assigned.

Motions in *limine* should be served in compliance with the Texas Rules of Civil Procedure and the Amended Standing Pretrial Scheduling Order for Trial of Civil Jury Cases Including Use of Electronic Media (available on the Travis County website at www.co.travis.tx.us).

CHAPTER 5

THE ORDER OF BUSINESS ON FRIDAYS

5.1 Announcement for Friday Settings

The District Courts have set aside Friday mornings to hear certain matters as herein provided.

Announcements of all matters set on Friday morning will be taken beginning on Monday at 8:00 a.m. and ending at 5:00 p.m. on the Wednesday immediately preceding the Friday morning on which they are set.

Assignments of Friday morning matters to available Judges will be posted before 9:00 a.m. Friday on the first and third floors of the Courthouse and on the county website at www.co.travis.tx.us.

5.2 Matters Allowed to be Set on Fridays

Except as otherwise authorized by a Judge, only a contested or uncontested matter that in its entirety will require fifteen (15) minutes or less may be set on Friday mornings of jury or non-jury weeks. These matters may be set at other days and times available on the Central Docket but will not be given preference over other settings on those other days and times.

CHAPTER 6

MOTIONS TO WITHDRAW AS ATTORNEY OF RECORD AND MOTIONS TO SUBSTITUTE ATTORNEYS

6.1 When No Hearing Required

A motion to withdraw as attorney of record will not require a hearing only if the moving attorney:

- (a) files written consent to the withdrawal signed by all parties;
- (b) files a written consent to the withdrawal signed by the client, and
- (c) files a certificate stating the last known mailing address of the client.

If a motion to withdraw and to substitute another attorney includes an appearance by another attorney pursuant to the Texas Rules of Civil Procedure, that appearance will satisfy the requirements of subparagraphs (b) and (c) above, but such an appearance will not satisfy the requirement of subparagraph (a).

When Hearing Required

If all requirements of Local Rule 6.1 are not satisfied, a motion to withdraw or to substitute another attorney must be presented at a hearing after notice to the client and to all other parties.

6.2 Discretion of Court

The Court retains discretion to grant or deny a motion to withdraw.

CHAPTER 7

UNCONTESTED AND EMERGENCY MATTERS

7.1 Uncontested Docket

On Monday through Friday of each week from 8:30 a.m. until 9:20 a.m. and from 1:30 p.m. until _____ a Duty Judge will be available to sign orders and to hear uncontested divorces and other uncontested matters. These matters will ordinarily be considered in the order in proposed orders are brought to the courtroom clerk. Notice of the location of the Duty Judge presiding at the uncontested docket will be posted each day on the bulletin board on the first and third floors of the Courthouse and on the Travis County Website at www.co.travis.tx.us.

Comment to Local Rule 7.1

The purpose of Rule 7.1 is to provide flexibility for attorneys in scheduling uncontested divorce hearings and to provide convenient access to a Judge for the signing of orders and for hearing other uncontested matters.

Attorneys should make use of this uncontested docket not only for uncontested divorces, but also for uncontested name changes, agreed orders in pending cases, orders concerning service of citation, notices of hearing for temporary orders prior to answer day, show cause orders, and other such matters. Friendly suits involving minors should be presented at the morning uncontested docket.

7.2 Scheduling of Emergency Matters with Duty Judge

Requests for *ex parte* temporary restraining orders in non-family law cases, writs of attachment of minor children, writs of _____ to return minor children, hearings required by the Parental Notification Act, or any

other emergency matters should be scheduled by appointment with the Duty Judge by contacting the scheduling personnel for that Duty Judge.

7.3 Application for TRO and other Ex parte Orders

- (a) Notice must be provided to counsel for a governmental entity prior to requesting an appointment from the Duty Judge for presentation of an application for temporary restraining order against a governmental entity.
- (b) A party presenting any application for any other *ex parte* order shall at the time the application is presented certify in writing to the Court that:
 - (1) to the best of the applicant's knowledge, the party against whom relief is sought is not represented by counsel in the matter made the basis of the suit in which the *ex parte* relief is sought; or
 - (2) except as otherwise required by Rule 7.3(a) above, if the opposing party is represented by counsel in that matter, that
 - (i) opposing 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.
- (c) A party presenting any application for an *ex parte* order shall at the time the application is presented 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.

7.4 Presentation of Agreed Orders or Uncontested Matters to Duty Judge

All agreed orders or other uncontested orders submitted to the Duty Judge for signature shall be presented to the Duty Judge only at the times allotted for the uncontested docket.

7.5 Request for Withdrawal of Minor's Funds

When a request is to be made for withdrawal of funds maintained in the Registry of the Court for the benefit of a minor who has not yet reached legal age, the applicant shall bring to the Court with the motion and proposed Order a Summary of Minor's Bank Account obtained from the District Clerk reflecting the status of the minor's account and indicating previous withdrawals, if any.

CHAPTER 8

DISMISSAL FOR WANT OF PROSECUTION BY THE COURT

8.1 Case Selection

The following cases are eligible for dismissal for want of prosecution *sua sponte* by the court:

- (a) cases on file for more than 180 days in which no answer has been filed;
- (b) cases that have been on file for more than 18 months that are not set for trial and have had no filings or settings within 180 days;
- (c) any other case designated by the Court.

8.2 Filing Procedures

The District Courts shall establish the procedures necessary to accomplish the purpose of this chapter including the keeping of all records and dockets. **ALL ORIGINAL NOTICES, MOTIONS, AND PLEADINGS REQUIRED TO BE FILED BY THIS CHAPTER SHALL INITIALLY BE DELIVERED TO THE COURT ADMINISTRATOR FOR THE CIVIL DISTRICT COURTS.**

The Court Administrator shall file in a timely manner all documents required by this chapter with the District Clerk.

8.3 Notice

The Court Administrator shall give notice that certain cases will be dismissed for want of prosecution. Such matters will be dismissed on the date indicated in the notice of dismissal unless at least one party complies with the requirements set forth in this chapter.

8.4 Docket Settings

No Central Docket settings may be obtained in cases set for dismissal until the dismissal docket process is complete, except with leave of Court.

8.5 Procedures for Retaining Cases and Objecting to Motions to Retain

- (a) Motions to retain shall be filed with the Court Administrator at least 3 working days prior to the date specified in the notice of dismissal for want of prosecution.
- (b) Any party who files a motion to retain shall include a written memorandum setting forth the factual and legal basis why the case should not be dismissed for want of prosecution.
- (c) Parties objecting to a motion to retain shall file with the Court Administrator a written memorandum setting forth the factual and legal basis for any objection to the motion to retain within 10 days of service of a motion to retain.
- (d) The Court shall notify all parties filing a motion to retain or objection to a motion to retain of the Court's ruling.

8.6 Cases Not Requiring Oral Argument

There will be no oral arguments on motions to retain or objections to motions to retain, unless ordered by the Court.

8.7 Cases Requiring Oral Argument

- (a) The Court shall notify the party filing a motion to retain of the Court's decision to permit oral argument.
- (b) Unless otherwise set by the Court, the party filing a motion to retain shall be responsible for setting any hearing required by the Court on motions to retain and for giving proper notice to all interested parties. Settings shall be made and conducted within 60 days of the date set forth on the notice of dismissal for want

of prosecution. Settings shall be made through the Court Administrator.

- (c) Parties filing a motion to retain or an objection to a motion to retain shall notify the Court Administrator of the outcome of any hearing in writing no later than 10 working days following the hearing.

8.8 Retained Cases

- (a) Cases retained by order of the Court are hereby referred to Alternate Dispute Resolution (ADR) (See Chapter 13 of the Travis County Local Rules).
- (b) Parties filing motions to retain shall file any objection to ADR simultaneously with a motion to retain. Parties receiving notice of a motion to retain shall file any objection to ADR within 10 days of service, or simultaneously with an objection to a motion to retain.
- (c) Any party objecting to ADR shall file with the Court Administrator a written memorandum setting forth the factual and legal basis for the motion.
- (d) There will be no oral argument on objections to ADR unless ordered by the Court.
- (e) Parties filing motions to retain shall be responsible for scheduling and insuring completion of an ADR procedure on or before 90 days from the Court's ruling retaining a case.

8.9 Discovery

No further discovery is authorized in cases retained by the Court and ordered to complete an ADR procedure unless ordered by the Court or by written agreement of all parties filed with the Court Administrator. **Further**

discovery will not extend the deadlines prescribed in this chapter unless ordered by the Court.

8.10 ADR Certification

- (a) On or before 90 days from the Court's ruling retaining a case, the party filing the motion to retain shall deliver to the Court Administrator a written statement indicating that mediation has been completed and whether settlement was reached.
- (b) The ADR certification may be waived upon presenting a copy of a signed final judgment to the Court Administrator.

8.11 Scheduling Order

Parties involved in cases completing mediation and not reaching settlement shall submit to the Court Administrator a proposed scheduling order (including a trial date) on or before 120 days from the Court's ruling retaining a case.

8.12 Includes All Pending Claims

References in this chapter to a "case" include all pending claims in the case.

