

# IN THE SUPREME COURT OF TEXAS

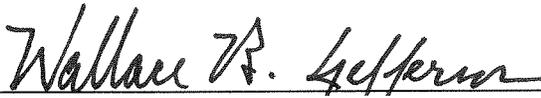
Misc. Docket No. 06- 9155

## 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.

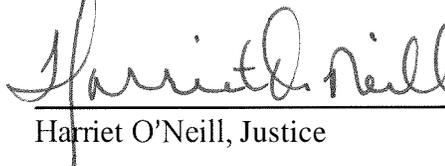
In Chambers, this 29<sup>th</sup> day of November, 2006.



Wallace B. Jefferson,

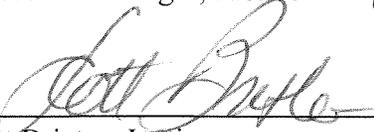


Nathan L. Hecht, Justice



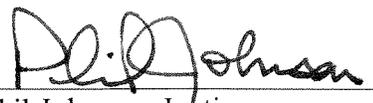
Harriet O'Neill, Justice

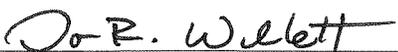
  
\_\_\_\_\_  
J. Dale Wainwright, Justice

  
\_\_\_\_\_  
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

FAX 830-372-0400

E-MAIL 3rdjudreg@co.guadalupe.tx.us

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

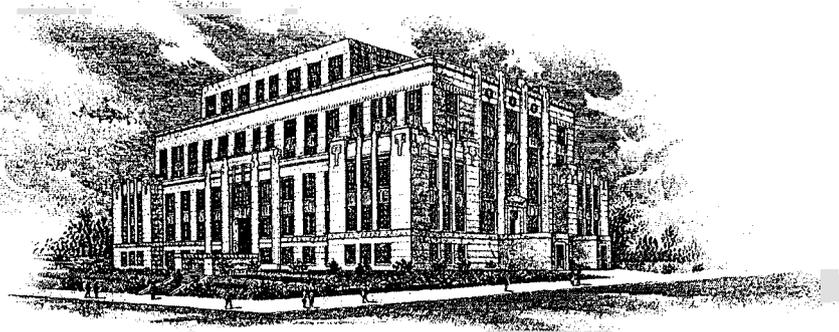
xc: The Honorable John K. Dietz, Travis County Local Administrative Judge

## **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 15<sup>th</sup> 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~~

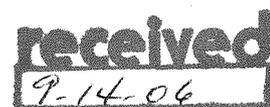
The Honorable B.B. Schraub  
Presiding Judge, Third Administrative Judicial Region  
101 E. Court Street, Room 302  
Seguin, Texas 78155

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](mailto: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](http://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](http://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](http://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](http://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](http://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](http://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](http://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](http://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](http://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.

## CHAPTER 9

### HEARINGS CONDUCTED BY TELEPHONE

#### **9.1 Available for Short Non-Evidentiary Hearings**

No hearings requiring testimony of a witness or presentation of documentary evidence during the course of the hearing may be conducted by telephone. Any party may request that a short non-evidentiary hearing (30 minutes or less) be conducted by telephone conference call or that a party be allowed to participate in the hearing by telephone. Any party objecting to a telephone hearing shall advise the Court Administrator. The Court Administrator shall refer any objection to a Judge. Subject to all other provisions of these Rules, telephone hearings shall be set on Thursdays at 2:00 p.m. and shall be heard by the Duty Judge in order, either in open court or in chambers as determined by the Duty Judge. The Court Administrator will notify the parties of the time the conference call should be placed to the Duty Judge for any telephone hearings. **WARNING: Conference calls will not be permitted in any case in which parties fail to comply with Local Rule 3.2 (duty to announce).**

#### **9.2 When Recording Allowed**

At the discretion of the Duty Judge, a court reporter or recording device may be provided by the Court during these calls. A request for such an arrangement must be made in advance.

#### **9.3 Party to Initiate Call**

The Duty Judge will not initiate a conference call. All arrangements for a conference call must be made by the party requesting a telephone hearing.

#### **9.4 Discretion of Court**

The Duty Judge may, at any time, determine that a hearing by telephone is not appropriate and may require a hearing in court upon notice to all parties.

## CHAPTER 10

### JUDICIAL REVIEW OF ACTIONS OF ADMINISTRATIVE AGENCIES

#### **10.1 Applicability**

This Chapter applies to proceedings for judicial review of a final decision in a contested case by a state agency, with the exception of cases requiring a trial *de novo*. Such proceedings are referred to as "administrative appeals." This Chapter also applies to all actions challenging a pending contested case or agency rulemaking proceedings, including injunction, mandamus, and declaratory judgment actions including challenges to agency rules, and to all declaratory judgment proceedings involving a state agency brought pursuant to the Administrative Procedure Act. This Chapter does not apply to proceedings brought by the state to enforce agency orders, commissions, or subpoenas, except in appropriate circumstances upon order of the Court.

#### **10.2 Assignment of Cases**

All proceedings subject to this Chapter shall be assigned to a particular Judge. Cases shall be assigned upon written request by any party to the Local Administrative Judge. The letter requesting assignment shall contain a list of all parties to the case, their attorneys of record, the attorneys' addresses, telephone numbers, facsimile numbers, and electronic mail addresses, if applicable. The letter shall note any case arising from the same or a related agency docket, whether it has been assigned, and if so, to whom. Cases generally shall be assigned on a rotating basis; provided, however, that the Local Administrative Judge may assign a case out of rotation, in the interest of judicial economy or justice, on either the Local Administrative Judge's own motion, a written request signed by all the

parties, or, if all parties do not agree to such a request, upon a written motion that sets forth reasons why in the interest of judicial economy or justice a particular Judge should be assigned. The Local Administrative Judge shall inform the parties by letter when a case has been assigned.

### **10.3 Hearings**

The Judge to whom a case is assigned shall hear all matters relating to the case. A final hearing on the merits of an administrative appeal as defined above should be scheduled by arrangement with the office of the assigned judge. Before setting the final hearing, all counsel shall confer regarding the date of any hearing, the amount of time to be requested for the hearing and, if there are multiple parties, the order of presentation. The time to be allotted to argument is in the discretion of the Court.

Hearings on dilatory motions, pleas to the jurisdiction, summary judgments or declaratory judgments, including agency rule challenges, shall be set on the Central Docket before the assigned judge. Failure to brief an issue for the merits hearing waives the issue, but failure to argue an issue at the merits hearing does not waive the issue. Matters set on the Central Docket, either Preferentially or "In Order," must be scheduled through the office of the assigned Judge and the Court Administrator. The parties must announce at docket call in the usual manner for all proceedings before the assigned Judge set on the Central Docket.

### **10.4 Applications for Temporary Restraining Order**

An application for a temporary restraining order in a case not yet assigned may be heard by the Duty Judge, but the applicant shall thereafter request in writing that the case be assigned pursuant to Section 10.2 of this Chapter. If a temporary restraining order is sought, the applicant must provide advance notice in writing by facsimile and notice by telephone to the party or parties to the agency proceeding, to counsel if

the party was represented at agency proceeding and, if notice was not provided, a statement of the reason for any failure to provide notice.

The applicant shall also comply with any specific notice requirements imposed by law or rule. In all cases, prior notice must be given to counsel for a governmental entity of any application to restrain governmental action. Notice of any hearing to restrain agency action shall be provided to the Office of the Attorney General of Texas.

## **10.5 Briefs**

Administrative appeals shall be briefed by the parties in advance of the hearing on the merits. The parties shall attempt to establish a briefing schedule by agreement and shall notify the Judge to whom the case is assigned of the agreed dates. In the event the parties are unable to agree upon a briefing schedule, a party may request a hearing for the purpose of establishing a schedule.

### **10.5.1 Initial Briefs**

Except with leave of court, the initial brief of each named or intervening party challenging an agency action ("Plaintiff") or defending an agency action ("Defendant") in an administrative appeal shall be no more than 50 pages in length, exclusive of table of contents, index of authorities, glossary of technical words and terms, and appendices, and shall contain the following:

(a) **List of Parties**

In the case of Plaintiff's initial brief, a complete list of the names of all parties and their attorneys.

(b) **Statement of the Nature of the Case**

A short general statement by Plaintiff of the nature of the case, including its jurisdictional basis, without argument of any error asserted, and a short statement by Defendant of any

disagreement with Plaintiff's statement of the nature of the case, without argument pertaining to the points of error.

(c) **Statement of Facts**

A statement of pertinent facts, with any disagreements with the Plaintiff's statement noted by the Defendant.

(d) **Points of Error and Argument**

A statement by the Plaintiff of each point of error, separately numbered, with a reference to the pertinent paragraph or portion of the motion for rehearing filed with the agency, followed immediately by the argument pertinent to such point or related group of points, and a statement by Defendant of each reply point, separately numbered and specifying the point or points it addresses, followed immediately by the argument pertinent to such point or a related group of points.

(e) **Prayer for Relief**

A prayer for relief that specifically states the relief sought by the party submitting the brief.

The initial brief of each party may contain a table of contents, an index of authorities, appendices and a glossary of technical words and terms. It is useful to include in any appendix material excerpts from the administrative record that are relied upon in the brief or that will be discussed at the hearing.

### **10.5.2 Reply Brief**

A reply brief is not required in an administrative appeal, but if one is submitted, it shall not exceed 25 pages in length, except with leave of court, exclusive of table of contents, index of authorities, glossary of technical words and terms, and appendices that may be

filed with the reply brief. A reply brief shall contain only argument in reply to another brief.

### **10.5.3 Filing and Service**

Briefs in administrative appeals shall be filed with the District Clerk and served on all parties. Each party shall deliver to the Judge to whom the case is assigned a copy of its brief, marked on the cover as "Judge's Copy." The Judge's copy of the Plaintiff's Brief shall have attached to it or separately bound and clearly labeled as an appendix:

- (a) a copy of the agency's final order, including any report or recommendation incorporated or adopted by reference in the order; and
- (b) a copy of the Plaintiff's motion for rehearing filed with the agency, or that portion of the motion necessary to show that the points of error briefed were included in the motion.

The Judge's copy of the brief of any party may have attached to it or separately bound and clearly labeled as an appendix:

- (a) copies of material excerpts from the administrative record pertinent to the points briefed;
- (b) copies of material statutes, rules, regulations, and other law sources that may not be readily accessible; and
- (c) copies of authorities that the party's attorney considers to be particularly material to the argument.

### **10.5.4 Briefing in Other Administrative Matters**

Upon agreement of the parties or by order of the Court, other actions subject to this Chapter may be briefed in accordance with this section.

## **10.6 Administrative Record**

In administrative appeals, the party or parties challenging the agency action shall be responsible for having the administrative record in the courtroom at the time and date designated for the hearing on the merits. The Attorney General shall cooperate with and provide reasonable assistance to the party or parties challenging the agency action in having the administrative record in the courtroom at the time and date designated for the hearing on the merits. This section does not affect the agency's statutory duty to file the administrative record with the District Clerk. If the administrative record has not been filed in advance of the designated hearing date, counsel for the agency shall be responsible for having the administrative record in the courtroom at the time of the hearing.

## **10.7 Dismissal for Want of Prosecution**

Upon notice and hearing on a motion of any party or the Court's own motion, a case may be dismissed for failure of the party or parties bringing the suit to prosecute the suit with reasonable diligence.

## **10.8 Alternative Dispute Resolution**

A case subject to this Chapter will not be referred for alternate dispute resolution pursuant to Chapter 13 of these Rules.

**CHAPTER 11**  
**DRAFTS OF JUDGMENTS, DECREES, AND ORDERS**  
**TO BE SIGNED BY JUDGE**

**11.1 Approval as to Form**

So far as practicable, every draft of a judgment, decree, or order to be signed by a Judge or Associate Judge should be signed by all parties evidencing approval as to form before it is presented to the Judge.

**11.2 Presentation of Orders through the Clerk**

Every draft of a judgment, decree, or order that is submitted through the District Clerk's office to be signed by a Judge or Associate Judge after a trial or hearing shall have typed below the line for the Judge's signature the name of the Judge who presided at said trial or hearing.

Each such draft shall also be accompanied by a transmittal letter stating the name of the Judge or Associate Judge who presided and the date and nature of the trial or hearing.

**11.3 Orders to be on Separate Page**

A draft of an order shall not be typed on the same page with a pleading, motion, certificate of service, or any part thereof, and each such draft shall have a heading showing the cause number, the style of the case, and the court in which it is pending.

**11.4 Date of Signing Only**

The word "entered" should not be used to show the date on which a judgment, decree, or order is signed.

## CHAPTER 12

### RULES OF DECORUM

#### **12.1 General Rules of Courtroom Conduct**

All officers of the Court except the Judge, Associate Judge and jurors, and all other participants, except witnesses who have been placed under the rule, shall promptly enter the courtroom before the scheduled time for each court session. When the Court is called to order, complete order should be observed.

In the courtrooms, there shall be:

- (a) no tobacco use;
- (b) no chewing of gum;
- (c) no reading of newspaper or magazines;
- (d) no bottles, cups or beverage containers except court water pitchers and cups;
- (e) no edibles;
- (f) no propping of feet on tables or chairs;
- (g) no noise or talking that interferes with court proceedings;
- (11) no use of cellular telephones while court is in session. All audible cellular telephones, remote electronic mail devices and pagers shall be turned off in the courtroom while court is in session.

All participants shall refer to and address other court officers or participants in the proceedings respectfully and impersonally, by using appropriate titles and surnames rather than first names. The form of address toward an Associate Judge shall be the same as that used toward a District Court Judge ("Judge," "Your Honor").

The oath will be administered in a manner calculated to impress the witness with the importance and solemnity of the promise to tell the truth.

All officers of the court shall dress appropriately for court sessions.

## 12.2 Conduct of Attorneys and Parties

- (a) All parties should observe the letter and spirit of all canons of ethics, including those dealing with discussion of cases with representatives of the media and those concerning improper *ex parte* communications with the Court;
- (b) Attorneys should advise their clients and witnesses of the Local Rules of Decorum that are applicable;
- (c) All objections, arguments, and other comments by counsel shall be directed to the Judge, Associate Judge, or jury and not to opposing counsel;
- (d) While another party is addressing the Judge, Associate Judge, or jury, a party should not stand for any purpose except to claim the right to interrupt the party who is speaking;
- (e) Parties should not approach the bench without leave of court and must never lean on the bench;
- (f) Parties shall remain seated at the counsel tables at all times except:
  - (1) when the Judge or Associate Judge enters and leaves;
  - (2) when addressing the Judge, Associate Judge, or jury; and
  - (3) whenever it may be proper to handle documents, exhibits, or other evidence, or to approach a witness. (Leave of court is not required.)
- (g) Parties should anticipate any need to move furniture, appliances, or easels, and should make advance arrangements with the Court. Tables should not be moved during court sessions.

## CHAPTER 13

### REFERRAL OF CASES TO ALTERNATE DISPUTE RESOLUTION

#### **13.1 Purpose and Scope**

This chapter shall direct the referral of cases to nonbinding alternate dispute resolution (ADR) procedures in the Travis County District Courts as authorized by statute. Where applicable, this Chapter applies to: (a) the mandatory referral to ADR; (b) the mandatory referral to ADR of cases set on the dismissal for want of prosecution docket, as set forth in Chapter 8 of these Local Rules; and (c) the discretionary referral of other cases to ADR by a Judge, on the Court's own motion, on a motion by a party, or by agreement of the parties. Matters related to alternate dispute resolution are confidential in accordance with applicable rules and/or statutes.

#### **13.2 Policy for Referral of Cases by District Courts**

It shall be the policy of the Travis County District Courts to encourage the peaceable resolution of disputes and the early settlement of pending litigation by identifying cases appropriate for referral to nonbinding ADR. Parties are also encouraged to attempt to settle their cases without ADR.

#### **13.3 Cases to be Referred to ADR**

- (a) All cases set for trial on the merits on the jury docket or on the Non-Jury Long Docket [Local Rule \_\_\_\_\_ cases set before an Associate Judge, are automatically referred to pre-trial mediation, except as provided in section 13.4 below.
- (b) All cases in which notice of dismissal for want of prosecution has been given are automatically referred to ADR, if retained on the docket pursuant to Local Rule 8.8(a).
- (c) Any other case deemed appropriate, in the discretion of a Judge, may be referred to ADR. In determining whether to refer a case to ADR,

the Court may give consideration to such factors as the subject matter of the case, the amount in controversy, the complexity of the case, the number of parties, the interest of the parties in pursuing ADR procedures, the availability of ADR, and the likelihood of settlement by ADR .

- (d) Nothing in this chapter shall prevent a case from being submitted to ADR at any time by the agreement of the parties, by motion of one of the parties or on the Court's own motion.

#### **13.4 Cases Exempt or Excused from Referral to ADR Procedures**

- (a) The following types of cases are exempt from automatic referral to ADR pursuant to this rule: 1) administrative appeals challenging an agency order or a challenge to agency rule; 2) cases brought by the Department of Family Protective Services under the Family Code; or cases brought by the Travis County Attorney's office under Title 4 of the Texas Family Code. Although a case is exempt from automatic referral, a party may elect to file a motion to refer the case to ADR.
- (b) Cases are excused from automatic referral to ADR when a party files a notice that the dispute was submitted to mediation or another ADR process prior to the date the setting was obtained.
- (c) A party to a case may file a motion objecting to the automatic referral to ADR. Any objection to ADR will be decided by the Court in the exercise of its discretion. Special consideration may be given to whether or how cases are mediated when there are allegations of domestic violence.

#### **13.5 Notice and Objections**

- (a) The party requesting the setting that automatically refers the case to ADR shall be responsible for notifying all other parties of the referral.

Where the referral is on the Court's own motion, the Court shall notify the parties of this determination.

- (b) Any party may, within 10 days after receiving notice of the referral, file a written objection to the referral. A hearing may be requested by any party or may be set by the Court.
- (c) A hearing requested pursuant to (b) above must be set and heard before the beginning of the docket announcement period for the date of trial (see Local Rule 3.2) or the objection to the referral is deemed waived. If an objection to the referral is waived or denied, parties must complete ADR before the announcement period for the date of trial to avoid being moved to the bottom of the list of cases set for the same date.

### **13.6 Discovery to Continue**

The setting of a case and the corresponding referral to pre-trial mediation or other ADR procedure does not automatically stay discovery. Upon agreement of the parties or order of the court after notice and hearing, discovery may be stayed.

### **13.7 General Procedure**

- (a) **Authority to Settle at Mediation and Parties Required to Participate**
  - (1) All parties participating in mediation pursuant to this chapter shall be prepared to negotiate openly and knowledgeably in a mutual effort to reach a fair settlement.
  - (2) Each party, or a person with authority to settle the case on a party's behalf, must be present during mediation, unless upon motion the presence of such a person or party has been excused by order of the Court.
  - (3) If a party is the state or a political subdivision, the party shall have present an agent whose position is commensurate with the

premediation demand or offer and whose recommendation to approve a mediated settlement will be meaningful to the person or body whose approval of the mediated settlement is required.

- (4) If a party thinks it unreasonable to have a person at the mediation as required by (2) or (3), a premediation conference shall be held with the mediator to negotiate who will be present at the mediation. If a party thinks that some other party has not designated an agent in compliance with this section, a premediation conference shall be held with the mediator to negotiate who will be present at the mediation. If attendance cannot be negotiated, a motion may be filed with the court to resolve the issue. The time committed to mediation excludes travel time to or from the place that mediation is to occur.

(b) **Before the Mediation**

- (1) The parties and their attorneys shall be responsible for designating a date and time for the mediation.
- (2) At least 14 days before the mediation, unless otherwise agreed, the Plaintiff shall provide the mediator and all other parties a brief letter outlining Plaintiff's premediation demand and designating an agent for purposes of ADR.
- (3) After receiving the premediation demand letter, and at least 7 days before the date of mediation, unless otherwise agreed, all other parties shall provide the mediator and other parties with a brief letter outlining their offer and disclosing their agents.
- (4) The parties shall agree in advance upon the minimum amount of time they will commit to mediation or the parties may agree in advance to place that decision in the hands of the mediator. The minimum amount of time shall be commensurate with the dispute. All mediators and parties are expected to commit sufficient time. If the parties cannot agree, a premediation conference will be held with

the mediator to negotiate the time. If time cannot be negotiated, a motion may be filed with the court to resolve the issue. Travel time is outside the time committed to mediation.

(c) **Termination of the Mediation**

The mediation shall be terminated: 1) by settlement; 2) by declaration of the mediator of an impasse; or 3) by the passage of the time agreed upon in advance for mediation, although the parties can agree to extend the time.

**13.8 Timing and Announcing of ADR**

- (a) The mediation or other ADR procedure should be completed not less than 45 days prior to the beginning of a jury trial, or 15 days prior to the beginning of a non-jury trial. Upon agreement of the parties or order of the Court, the time for completion may be changed. Failure to comply with the time prescribed in this paragraph may result in the case being moved to the bottom of the list of cases set for the same date, or may result in striking the setting or other appropriate order.
- (b) When making an announcement for either a jury setting or a non-jury long docket setting during the announcement period, all parties shall include in their announcement of time a statement as to whether or not mediation or another approved ADR procedure has been completed.

**13.9 ADR Filings**

Any notice required by this Rule shall be filed with the District Clerk.

## **CHAPTER 14**

### **APPLICATION FOR INITIAL AUTHORITY TO SERVE CIVIL PROCESS**

#### **IN TRAVIS COUNTY (RULE 103 ORDERS)**

##### **14.1 Compliance with Supreme Court Rules Required**

All persons seeking authority to serve process in Travis County, Texas must comply with the certification requirements for Persons Authorized to Serve Process as promulgated by the Texas Supreme Court and administered by the Texas Process Service Review Board.

##### **14.2 Process for Application**

The District Clerk shall provide to any person upon request (1) an application in the form set forth in this chapter for authority to serve process in Travis County, Texas, and (2) a copy of this chapter. Completed applications shall be submitted to the Local Administrative Judge.

##### **14.3 Action by Local Administrative Judge**

If the Local Administrative Judge finds the applicant qualified, an order in the form set forth in this chapter authorizing the applicant to serve process shall be signed and filed with the District Clerk. When signing such an order, the Local Administrative Judge is authorized to act for each and every court. The District Clerk shall maintain all such applications and orders in a central file. The orders shall be numbered chronologically.

##### **14.4 Requirements for Return of Service**

When a return is required, a person authorized to serve process shall state in his or her return that he or she is (1) not less than eighteen years of age; (2) not a party to or interested in the outcome of the suit; and (3) authorized by written order to serve process. The return shall also state the number of such blanket written order.

#### **14.5 Authority of Local Administrative Judge**

A person authorized to serve citation and other notices has no right to or interest in continued authorization. This chapter may be amended or repealed at any time. The Local Administrative Judge may vacate any order made under this chapter at any time.

#### **14.6 Expiration of Authorization**

All orders for blanket authority shall expire when the applicant or person authorized is no longer certified or approved by the Texas Process Service Review Board, or on vacation of the order by the Local Administrative Judge.



**APPLICATION TO SERVE CIVIL PROCESS  
IN TRAVIS COUNTY**

Name

---

Business Address

---

Business Telephone

---

Business Telecopier

Business electronic mail address

---

**AFFIDAVIT**

STATE OF TEXAS           §

COUNTY OF TRAVIS       §

I am a person not less than eighteen years of age. I have personal knowledge of the facts stated herein and they are true and correct. I have been certified as a Private Process Server by the Texas Process Service Review Board. My private Process Server Identification Number is \_\_\_\_\_ of the current list of approved Private Process Servers is attached to this application.) I will serve all process in compliance with the law. I have read and understand Chapter 14 of the Local Rules of the District Courts of Travis County.

---

Affiant's Signature

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing affidavit, who being by me first duly sworn, upon oath stated that the statements contained therein are true and correct.

SUBSCRIBED AND SWORN TO before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

(Notary Seal)

---

Notary Signature

## **CHAPTER 15**

### **ELECTRONIC FILING OF COURT DOCUMENTS**

#### **GENERAL PROVISIONS**

##### **15.1 Purpose**

These rules govern the electronic filing and service of court documents in Travis County. These rules are adopted pursuant to Rule 3a of the Texas Rules of Civil Procedure and may be known as the "Travis County Local Rules of the District Courts Concerning the Electronic Filing of Court Documents."

##### **15.2 Effect on Existing Local Rules**

These rules are adopted in addition to any other local rules of the district courts in Travis County. These rules supersede and replace any previously adopted local rules for electronic court filing of court documents.

##### **15.3 Electronic Filing Optional Unless Ordered by Court**

- (a) Except as provided by subsection (b) below, the electronic filing and serving of court documents is wholly optional.
- (b) A district court judge may order the parties in particular cases to electronically file or serve court documents that are permitted to be electronically filed under Rule 15.3.3. If any party objects to such filing requirements, that party shall file a written objection within 30 days of the date of the order and set the matter for a hearing to show cause why the electronic filing requirements is unduly burdensome in the particular case.

## DEFINITIONS

### 15.2.1 Specific Terms

The following definitions apply to these rules:

- (a) "Convenience fee" is a fee charged in connection with electronic filing that is in addition to regular filing fees. A Convenience Fee charged by the District Clerk will be considered as a court cost.
- (b) "District clerk" means the Travis County District Clerk.
- (c) "Digitized signature" means a graphic image of a handwritten signature.
- (d) "Document" means a pleading, plea, motion, application, request, exhibit, brief, memorandum of law, paper, or other instrument in paper form or electronic form. The term does not include court orders.
- (e) "Electronic filing" is a process by which a filer files a court document with the district clerk's office by means of an online computer transmission of the document in electronic form. For purposes of these rules, the process does not include the filing of faxed documents which is described as the "electronic filing of documents" in Section 51.801, Government Code.
- (f) "Electronic filing service provider (EFSP)" is a business entity that provides electronic filing services and support to its customers (filers). An attorney or law firm may act as an EFSP.
- (g) "Electronic order" means a computerized, non-paper court order that a judge signs by applying his or her digitized signature to the order. A digitized signature is a graphic image of the judge's handwritten signature.
- (h) "Electronic service" is a method of serving a document upon a party in a case by electronically transmitting the document to that party's e-mail address.

- (i) "Electronically file" means to file a document by means of electronic filing.
- (j) "Electronically serve" means to serve a document by means of electronic service.
- (k) "Filer" means a person who files a document, including an attorney.
- (l) "Party" means a person appearing in any case or proceeding, whether represented or appearing pro se, or an attorney of record for a party in any case or proceeding.
- (m) "Regular filing fees" are those filing fees charged in connection with traditional filing.
- (n) "Rules" are the Travis County Local Rules of the District Courts concerning the Electronic Filing of Documents.
- (o) "Traditional court order" means a court order that is on paper.
- (p) "Traditional filing" is a process by which a filer files a paper document with a clerk or a judge.

### **15.2.2 Application to Pro Se Litigants**

The term "counsel" shall apply to an individual litigant in the event a party appears pro se.

## **APPLICABILITY**

### **15.3.1 Scope**

- (a) These rules apply to the filing of documents in all non-juvenile civil cases, including cases that are appeals from lower courts, before the various district courts with jurisdiction in Travis County.
- (b) These rules apply to the filing of documents in cases before the various district courts referred to in paragraph (a) above that are subsequently assigned to associate judges or any other similar judicial authorities.

### **15.3.2 Clerks**

These rules apply only to the filing of documents with the district clerk. These rules do not apply to the filing of documents directly with a judge as contemplated by TEX. R. CIV. P. 74.

### **15.3.3 Documents That May Be Electronically Filed**

- (a) A document that can be filed in a traditional manner with the district clerk may be electronically filed with the exception of the following documents:
- i) citations or writs bearing the seal of the court;
  - ii) returns of citation;
  - iii) bonds;
  - iv) subpoenas;
  - v) proof of service of subpoenas;
  - vi) documents to be presented to a court in *camera*, solely for the purpose of obtaining a ruling on the discoverability of such documents;
  - vii) documents sealed pursuant to TEX. R. CIV. P. 76a; and
  - viii) documents to which access is otherwise restricted by law or court order, including a document filed in a proceeding under Chapter 33, Family Code.
- (b) A motion to have a document sealed, as well as any response to such a motion, may be electronically filed.

### **15.3.4 Documents Containing Signatures**

- (a) A document that is required to be verified, notarized, acknowledged, sworn to, or made under oath may be electronically filed only as a scanned image.

- (b) A document that requires the signatures of opposing parties (such as a Rule 11 agreement) may be electronically filed only as a scanned image.
- (c) Any affidavit or other paper described at 15.3.4(a) or (b) that is to be attached to an electronically-filed document may be scanned and electronically filed along with the underlying document.
- (d) Where a filer has electronically filed a scanned image under this rule, a court may require the filer to properly file the document in a traditional manner with the district clerk. A third party may request the court in which the matter is pending to allow inspection of a document maintained by the filer.

### **FILING MECHANICS**

#### **15.4.1 TexasOnline**

- (a) Texas Online is a project of the TexasOnline Authority, a state entity charged with establishing a common electronic infrastructure through which state agencies and local governments may electronically send and receive documents and required payments.
- (b) To become registered to electronically file documents, filers must follow registration procedures outlined by TexasOnline. The procedure can be accessed from TexasOnline's website at "[www.texasonline.com](http://www.texasonline.com)."
- (c) Filers do not electronically file documents directly with the district clerk. Rather, filers indirectly file a document with the district clerk by electronically transmitting the document to an electronic filing service provider (EFSP) which then electronically transmits the document to TexasOnline which then electronically transmits the document to the district clerk. A filer filing or serving a document must have a valid account with an EFSP and with TexasOnline

- (d) Consistent with standards promulgated by the Judicial Committee on Information Technology (JCIT), TexasOnline will specify the permissible formats for documents that will be electronically filed and electronically served.
- (e) Filers who electronically file documents will pay regular filing fees to the district clerk indirectly through TexasOnline by a method set forth by TexasOnline.
- (f) An EFSP may charge filers a convenience fee to electronically file documents. This fee will be in addition to regular filing fees.
- (g) TexasOnline will charge filers a convenience fee to electronically file documents. This fee will be in addition to regular filing fees and will be in an amount not to exceed the amount approved by the TexasOnline Authority.
- (h) The district clerk may charge filers a convenience fee to file documents electronically. This fee will be in addition to regular filing fees, credit card fees, or other fees.

#### **15.4.2 Signatures**

- (a) Upon completion of the initial registration procedures, each filer will be issued a confidential and unique electronic identifier. Each filer must use his or her identifier in order to electronically file documents. Use of the identifier to electronically file documents constitutes a "digital signature" on the particular document.
- (b) The attachment of a digital signature on an electronically-filed document is deemed to constitute a signature on the document for purposes of signature requirements imposed by the Texas Rules of Civil Procedure or any other law. The person whose name appears first in the signature block of an initial pleading is deemed to be the attorney in charge for the purposes of TEX. R. CIV. PROC. 8, unless

otherwise designated. The digital signature on any document filed is deemed to be the signature of the attorney whose name appears first in the signature block of the document for the purpose of TEX. R. CIV. PROC. 13 and 57.

- (c) A digital signature on an electronically-filed document is deemed to constitute a signature by the filer for the purpose of authorizing the payment of document filing fees.

#### **15.4.3 Time Document is Filed**

- (a) A filer may electronically transmit a document through an EFSP to TexasOnline 24 hours per day each and every day of the year, except during brief periods of state-approved scheduled maintenance which will usually occur in the early hours of Sunday morning.
- (b) Upon sending an electronically-transmitted document to a filer's EFSP, the filer is deemed to have delivered the document to the clerk and, subject to 15.4.3(h), the document is deemed to be filed. If a document is electronically transmitted to the filer's EFSP and is electronically transmitted on or before the last day for filing the same, the document, if received by the clerk not more than ten days tardily, shall be filed by the clerk and deemed filed in time. A transmission report by the filer to the filer's EFSP shall be prima facie evidence of date and time of transmission.
- (c) On receipt of a filer's document, the filer's EFSP must send the document to Texas Online in the required electronic file format along with an indication of the time the filer sent the document to the EFSP and the filer's payment information. TexasOnline will electronically transnit to the filer an "acknowledgment" that the document has been received by TexasOnline. The acknowledgment will note the date and

time that the electronically-transmitted document was received by TexasOnline.

- (d) Upon receiving a document from a filer's EFSP, TexasOnline shall electronically transmit the document to the district clerk. If the document was not properly formatted, Texas Online will transmit a warning to the filer's EFSP.
- (e) Not later than the first business day after receiving a document from TexasOnline, the district clerk shall decide whether the document will be accepted for filing. The district clerk shall accept the document for filing provided that the document is not misdirected and complies with all filing requirements. The district clerk shall handle electronically-transmitted documents that are filed in connection with an affidavit of inability to afford court costs in the manner required by TEX. R. CIV. PROC. 145. If the clerk fails to accept or reject a document within the time period, the document is deemed to have been accepted and filed.
- (f) If the document is accepted for filing, the district clerk shall note the date and time of filing which, with the exception of subsection (h) below, shall be the date and time that the filer transmitted the document to the filer's EFSP. The district clerk shall inform TexasOnline of its action the same day action is taken. TexasOnline shall, on that same day, electronically transmit to the filer's EFSP a "confirmation" that the document has been accepted for filing by the district clerk. The EFSP will electronically transmit the confirmation to the filer. This confirmation will include an electronically "file-marked" copy of the front page of the document showing the date and time the district clerk considers the document to have been filed.
- (g) If the document is not accepted for filing, the district clerk shall inform TexasOnline of its action, and the reason for such action, the same day

action is taken. on that same day, electronically transmit to the filer's EFSP an "alert" that the document was not accepted along with the reason the document was not accepted. The EFSP will electronically transmit the alert to the filer.

- (h) Except in cases of injunction, attachment, garnishment, sequestration, or distress proceedings, documents that serve to commence a civil suit will not be deemed to have been filed on Sunday when the document is electronically transmitted to the filer's EFSP, TexasOnline, or the Clerk on Sunday. Such documents will be deemed to have been filed on the succeeding Monday.

#### **15.4.4 Filing Deadlines Not Altered**

The electronic filing of a document does not alter any filing deadlines.

#### **15.4.5 Multiple Documents**

- (a) Except as provided by subsection (b) below, a filer may include only one document in an electronic transmission to TexasOnline.
- (b) A filer may electronically transmit a document to TexasOnline that includes another document as an attachment (e.g., a motion to which is attached a brief in support of the motion).

#### **15.4.6 Official Document**

- (a) The district clerk's file for a particular case may contain a combination of electronically-filed documents and traditionally-filed documents.
- (b) The district clerk may maintain and make available electronically-filed documents in any manner allowed by law.

#### **15.4.7 E-mail Address Required**

In addition to the information required on a pleading by TEX. R. CIV. PROC. 57, a filer must include an e-mail address on any electronically-filed document.

#### **15.4.8 Document Format**

- (a) Electronically-filed documents must be computer-formatted as specified by TexasOnline. Electronically-filed documents must also be formatted for printing on 8 1/2-inch by 11-inch paper.
- (b) An electronically-filed pleading is deemed to comply with TEX. R. CIV. PROC. 45.

### **SERVICE OF DOCUMENTS OTHER THAN CITATION**

#### **15.5.1 Electronic Service of Documents Permissible**

- (a) In addition to the methods of serving documents (other than the citation to be served upon the filing of a cause of action) set forth in TEX. R. CIV. PROC. 21a, a filer may serve documents upon another party in the case by electronically transmitting the document to that party at the party's email address. Service in such a manner is known as "Electronic service," and is permissible in the circumstances set out in paragraph (b) below.
- (b) Documents may be electronically served upon a party only where that party has agreed to receive electronic service or where the court has ordered the parties to electronically serve documents.
- (c) By virtue of electronically filing a document or serving a document or by agreeing to accept service, a filer additionally agrees to provide information regarding any change in his or her e-mail address to district clerk, and all parties in the case.

- (d) A party who electronically files a document is not required to electronically serve documents upon other parties unless the court has ordered the parties to electronically serve documents.
- (e) A filer may electronically serve a document in instances where the document is traditionally filed as well as in instances where the document is electronically filed.

#### **15.5.2 Completion of Service and Date of Service**

- (a) Electronic service shall be complete upon transmission of the document by the filer to the party at the party's e-mail address.
- (b) Except as provided by subsection (c) below, the date of service shall be the date the electronic service is complete.
- (c) When electronic service is complete after 5:00 p.m. (recipient's time), then the date of service shall be deemed to be the next day that is not a Saturday, Sunday or legal holiday.

#### **15.5.3 Time for Action After Service**

Whenever a party has the right or is required to do some act within a prescribed period of time after service of a document upon the party and that document is electronically served, then three days shall be added to the prescribed period of time.

#### **15.5.4 Certification of Service**

- (a) Documents to be electronically served upon another party shall be served before the time or at the same time that the document is filed.
- (b) A filer who electronically serves a document upon another party shall make a written certification of such service that shall accompany the document when that document is filed. The written certification shall include, in addition to any other requirements imposed by the Texas Rules of Civil Procedure, the following:

- (i) the filer's e-mail address or telecopier (facsimile machine) number;
- (ii) the recipient's e-mail address;
- (iii) the date and time of electronic service; and
- (iv) a statement that the document was electronically served and that the electronic transmission was reported as complete.

## **ELECTRONIC ORDERS AND VIEWING OF ELECTRONICALLY-FILED DOCUMENTS**

### **15.6.1 Courts Authorized to Make Electronic Orders**

- (a) A judge may electronically sign an order by applying his or her digitized signature to the order. Judges are not required to electronically sign orders.
- (b) Upon electronically signing an order, the judge shall electronically forward the order to the district clerk who may treat the electronic order as the official copy of the order. Alternatively, the district clerk may print the electronic order and treat the printed order as the official copy of the order.
- (c) The district clerk may electronically scan a traditional court order. The scanned court order may then serve as the official copy of the court order. The district clerk is not required to electronically scan traditional court orders in order to create official electronic court orders. Electronic scanning of traditional court orders is at the option of the district clerk.

### **15.6.2 Viewing of Electronically-filed Documents**

- (a) The district clerk shall ensure that all the records of the court, except those made confidential or privileged by law or statute, may be viewed in some format by all persons for free.

- (b) Independent of the TexasOnline system and the requirement of viewing access described in subsection (a), the district clerk may choose to provide for both filers and the general public to electronically view documents or court orders that have been electronically filed or scanned. Where such provision has been made, persons may electronically view documents or court orders that have been electronically filed or scanned.
- (c) Nothing in this rule allows for the viewing of documents or court orders, in any form, that are legally confidential (e.g., papers in mental health proceedings) or otherwise restricted by judicial rule or order.

### **MISCELLANEOUS PROVISIONS**

#### **15.7.1 Assigned Court to Resolve Disputes**

In the event a dispute should arise involving the application of these rules or various electronic filing issues, a district court assigned in accordance with local assignment procedures shall decide any dispute.

#### **15.7.2. Rule Guiding Interpretation.**

These rules shall be liberally construed so as to avoid undue prejudice to any person because of using the electronic filing system or sending or receiving electronic service in good faith.

## CHAPTER 16

### RULES GOVERNING THE RECORDING AND BROADCASTING OF COURT PROCEEDINGS IN THE CIVIL DISTRICT COURTS OF TRAVIS COUNTY

The following Rules govern the recording, broadcasting, televising or photographing of court proceedings before the Civil District Courts of Travis County, and their Masters (Associate Judges) and Referees.

#### **16.1 Definitions**

- (1) **Court.** "Court" means the particular Judge, Master, Associate Judge or Referee before whom the proceeding will be held.
- (2) **Media Coverage.** "Media coverage" means any visual or audio coverage of court proceedings by a media agency.
- (3) **Media or Media Agency.** "Media" or "Media agency" means any person or organization engaging in news gathering or reporting and includes, but is not limited to, any newspaper, radio or television station or network, news service, magazine, trade paper, in-house publication, professional journal, or other news reporting or news gathering agency or individual.
- (4) **Visual Coverage.** "Visual coverage" means coverage by equipment that has the capacity to reproduce or telecast an image, and includes still and moving picture photographic equipment and video equipment.
- (5) **Audio Coverage.** "Audio coverage" is coverage by equipment that has the capacity to reproduce or broadcast sounds, and includes

digital, tape and cassette sound recorders, and radio and video equipment.

## **16.2 Media Coverage Permitted**

### **16.2.1 Investiture or Ceremonial Proceedings**

If media coverage is of investiture or ceremonial proceedings, permission for, and the manner of such coverage, are determined solely by the Court, with or without guidance from these Rules. If media coverage is desired for other than investiture or ceremonial proceedings, the provisions of these Rules shall govern.

### **16.2.2 Written Order Required**

Media coverage is permitted only on written order of the Court. A person wishing to broadcast, televise, record or photograph a court proceeding must file with the District Clerk a request to cover the proceeding. The request must state:

- (A) the case style and number;
- (B) the date and time when the proceeding is to begin;
- (C) the name of the requesting person or organization;
- (D) the type of coverage requested (for example, televising, recording or photographing); and
- (E) the type and extent of equipment to be used.

The request shall be filed with the District Clerk, with a copy delivered to the Court, Court Administrator, all counsel of record and all parties not represented by attorneys. Such request shall be made in time to afford the attorneys and parties sufficient time to confer, to contact their witnesses and to be fully heard by the Court on the questions of whether media coverage should be allowed and, if so, what conditions, if any, should be imposed on such coverage. Whether or not consent of the parties or witnesses is

obtained, the Court may in its discretion deny, limit or terminate media coverage. In exercising such discretion the Court shall consider any relevant factors.

### **17.3.3 Consent Forms**

If media coverage is sought with consent, consent forms adopted by the Court shall be used to evidence the consent of the parties and witnesses. Original signed consent forms of the parties shall be attached to and filed with the request for order. Consent forms of the witnesses shall be obtained in the manner directed by the Court. No witness or party shall give consent to media coverage in exchange for payment or other consideration, of any kind or character, either directly or indirectly. No media agency shall pay or offer to pay any consideration in exchange for such consent.

### **16.3.4 Coverage without Consent**

If media coverage is sought without consent, the decision to allow such coverage is discretionary and will be made by the Court on a case-by-case basis. Objections to media coverage should not be conclusory but should state the specific and demonstrable injury alleged to result from media coverage. If the Court denies coverage, it shall set forth in its order the findings upon which such denial is based. In determining an application for coverage, the Court shall consider all relevant factors, including but not limited to:

- a) the type of case involved;
- b) whether the coverage would cause harm to any participants;

- c) whether the coverage would interfere with the fair administration of justice, advancement of a fair trial, or the rights of the parties;
- d) whether the coverage would interfere with any law enforcement activity;
- e) the objections of any of the parties, prospective witnesses, victims, or other participants in the proceeding for which coverage is sought;
- f) the physical structure of the courtroom and the likelihood that any equipment required to conduct coverage of proceedings can be installed and operated without disturbance to those proceedings or any other proceedings in the Courthouse;
- g) the extent to which the coverage would be barred by law in the judicial proceeding of which coverage is sought; and
- h) the fact that any party, prospective witness, victim, or other participant in the proceeding is a child, to which fact the Court shall give great weight.

#### 16.4 Media Coverage Prohibited

Media coverage of proceedings held in chambers, proceedings closed to the public and jury selection is prohibited. Audio coverage and close-up video coverage of conferences between an attorney and client, witness or aide, between attorneys, or between counsel and the Court at the bench is prohibited.

#### 16.5 Coverage of Jurors Prohibited

Visual coverage of potential jurors and jurors in the Courthouse is prohibited except when in the courtroom the physical layout of the courtroom makes it impossible to conduct visual coverage of the

proceedings without including the jury, and the Court so finds. In such cases visual coverage is allowed only if the jury is in the background of a picture of some other subject and only if individual jurors are not identifiable.

#### **16.6 Equipment and Personnel**

The Court may, among other things:

- (a) require that a person seeking to cover a proceeding demonstrate or display the equipment that will be used;
- (b) prohibit equipment that produces distracting sound or light;
- (c) prohibit signal lights or devices showing when equipment is operating, or require their concealment;
- (d) prohibit moving lights, flash attachments, or sudden light changes;
- (e) require the use of courtroom's existing video, audio, and lighting systems, if any;
- (f) specify the placement of personnel and equipment;
- (g) determine the number of cameras to be allowed in the courtroom;
- (h) require pooling of equipment if more than one person wishes to cover a proceeding;
- (i) require that operators not move equipment or enter or leave the courtroom while the Court is in session, or otherwise cause a distraction. All equipment shall be in place in advance of the proceeding or session; and
- (j) require that identifying marks, call letters, words and symbols shall be concealed on all equipment. Media personnel shall not display any identifying insignia on their clothing.

### **16.7 No Delay of Proceedings**

No proceeding or session shall be delayed or continued for the sole purpose of allowing media coverage, whether because of installation of equipment, obtaining consent, conduct of hearings related to the media coverage or other media coverage questions. To assist media agencies to prepare in advance for media coverage, and when requested to do so: (i) the Court will attempt to make the courtroom available when not in use for the purpose of installing equipment; (ii) counsel (to the extent they deem their client's rights will not be jeopardized) should make witness lists available to the media; and, (iii) the Court Administrator on request will inform the media agencies of settings or proceedings.

### **16.8 Official Record**

Any product of media coverage of a proceeding pursuant to these Rules shall not be considered as part of the official court record.

NO. \_\_\_\_\_

(Name)	§	IN THE DISTRICT COURT OF
Plaintiff	§	
vs.	§	TRAVIS COUNTY, TEXAS
(Name)	§	
Defendant	§	_____ JUDICIAL DISTRICT

REQUEST FOR ORDER TO ALLOW MEDIA COVERAGE  
WITH CONSENT OF PARTIES OR WITNESSES

Pursuant to Rule 18c of the Texas Rules of Civil Procedure and the Rules Governing the Recording and Broadcasting of Court Proceedings in the Civil District Courts of Travis County (Chapter 16 of the Local Rules of Civil Procedure and Rules of Decorum for the District Courts of Travis County) (Local Rules), I request permission to install equipment for the purpose of media coverage of the above described case as follows:

1. Case Style and Number: \_\_\_\_\_
2. Courtroom: \_\_\_\_\_
3. Date and Time proceeding is to begin: \_\_\_\_\_
4. The type of coverage requested (for example, televising, recording or photographing) \_\_\_\_\_
5. The type and extent of equipment to be used: \_\_\_\_\_

I, individually, and on behalf of the personnel of the media agency I represent and all media personnel who participate in media coverage through any pooling agreement, understand and agree that:

1. All media personnel covering the proceedings will comply with applicable provisions of the Texas Rules of Civil Procedure and the Local Rules.

2. Written consent of each party has been obtained, and true copies of all completed consent forms are attached to this request.
3. There will be no audio or visual coverage of the testimony of any witness unless consent of that witness has been obtained in the manner required by the Court and filed with the District Clerk, with a copy delivered to the trial court.
4. Permission may be withdrawn by the Court at any time pursuant to the Local Rules, at which time media coverage will immediately cease.

The original of this request was filed with the District Clerk, with a copy delivered to the trial court and the Court Administrator, on \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_m.

\_\_\_\_\_  
Individual - signature

\_\_\_\_\_  
Individual - printed

\_\_\_\_\_  
Name of Media Agency

\_\_\_\_\_  
Position

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

NO. \_\_\_\_\_

(Name)	§	IN THE DISTRICT COURT OF
Plaintiff	§	
vs.	§	TRAVIS COUNTY, TEXAS
	§	
(Name)	§	
Defendant	§	_____ JUDICIAL DISTRICT

CONSENT OF PARTY OR WITNESS

Pursuant to Rule 18c of the Texas Rules of Civil Procedure and the Rules Governing the Recording and Broadcasting of Court Proceedings in the Civil District Courts of Travis County (Chapter 16 of the Local Rules), I \_\_\_\_\_(name) a \_\_\_\_\_(party) (witness) in the above captioned matter, consent to media coverage of my participation in the Court proceedings in this case. I certify that I have not given this consent in exchange for payment or other consideration, of any kind or character, either directly or indirectly. No media agency has paid or offered to pay any consideration in exchange for this consent.

\_\_\_\_\_  
Signature of Party or Witness

\_\_\_\_\_  
Printed Name

## CHAPTER 17

### LOCAL RULES OF ADMINISTRATION FOR THE DISTRICT AND STATUTORY COUNTY COURTS

#### **17.1 Authority of Court**

This rule shall not apply to matters arising under Titles 1 and 5 of the Texas Family Code. Any civil case filed in the District Courts or the County Courts at Law of Travis County may be heard by any Judge of a District Court or a County Court at Law.

#### **17.2 Authorization of Court Administrator**

When assigning cases on the Central Docket, the Court Administrator of the District Courts is authorized to assign each available Judge of the County Courts at Law hearing civil cases to hear any matter.

#### **17.3 Assignment of Case to County Court at Law**

The Local Administrative Judge may assign all or part of a District Court case to a particular County Court at Law Judge pursuant to Rule 2.6 of the Local Rules of the District Courts.

## **CHAPTER 18**

### **INTERPRETERS**

#### **18.1 Arrange in Advance**

When a party needs an interpreter or plans to call a witness who needs an interpreter, the party must arrange in advance of the setting for an interpreter to be present.

#### **18.2 Judge May Appoint**

The Judge may appoint an interpreter of the Judge's own selection.

#### **18.3 When Certified or Licensed Interpreter Required**

If a party files a motion for the appointment of an interpreter or a witness requests an interpreter, the court must appoint a certified court interpreter or a licensed court interpreter.

#### **18.4 Payment of Interpreter's Fee**

The party who needs an interpreter or plans to call a witness who needs an interpreter must pay the interpreter's fee. When appropriate, the party may request that the court order another party to pay the interpreter's reasonable compensation. When appropriate, a party may request that the court tax the interpreter's reasonable compensation as a cost of court.

#### **18.5 Affidavit of Inability**

If a party files an Affidavit of Inability pursuant to Texas Rule of Civil Procedure 145, the court may when appropriate: a) order another party to pay the interpreter's reasonable compensation; b) order the county to pay the interpreter at the county rate from funds budgeted for interpreters; or (c) the court may tax the fee as a cost of court to be reimbursed to the county by a non-indigent party.

## **18.6 Interpreters for the Deaf**

If a deaf party or witness needs an interpreter, the court must order the county to pay for the interpreter at the county rate, although when appropriate the court may tax the fee as a cost of court to be reimbursed to the county.

## CHAPTER 19

### PROCEEDINGS BEFORE TAX MASTERS IN DELINQUENT PROPERTY TAX COLLECTION CASES

#### **19.1. Reference to Tax Master**

Pursuant to statute the District Courts have appointed Tax Masters to hear certain matters specified by these Rules and by these Rules do refer such matters to the Tax Masters.

#### **19.2. Authority of Tax Master**

A Tax Master may hear all matters relating to delinquent property tax suits over which the District Courts have jurisdiction.

#### **19.3. Settings Before Tax Masters**

Matters set before a Tax Master will be set on the days and times reflected on a docket schedule published from time to time by the Court Administrator. The current docket schedule may be obtained from the Court Administrator. Notice of the location of the docket calls and hearings will be posted on the bulletin board on the first and third floors of the County Courthouse and on the Travis County Website at [www.co.travis.tx.us](http://www.co.travis.tx.us).

#### **19.4. Delivery of Request for *DeNovo* Hearing**

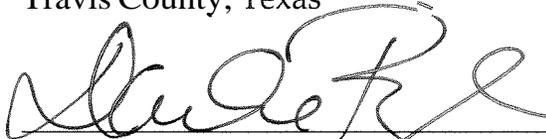
A person requesting a *de novo* hearing before a District Judge shall deliver a copy of the request to the Court Administrator on the same day that the request is filed with the District Clerk.

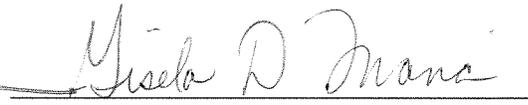
ADOPTION OF LOCAL RULES

The "Local Rules of Civil Procedure and Rules of Decorum in the District Courts of Travis County, Texas" are hereby adopted by the undersigned district judges in Travis County on this the 19th day of July, 2006, and submitted to the Supreme Court of Texas for promulgation. These rules shall become effective upon their approval by the Supreme Court of Texas.

  
\_\_\_\_\_  
Scott H. Jenkins,  
Judge, 53rd Judicial District  
Travis County, Texas

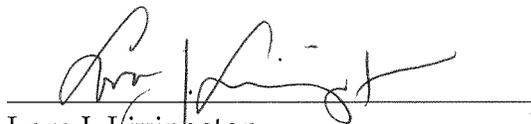
  
\_\_\_\_\_  
W. Jeanne Meurer  
Judge, 98th Judicial District  
Travis County, Texas

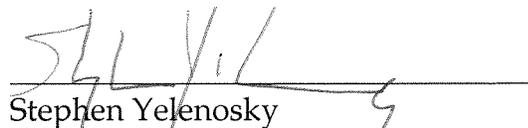
  
\_\_\_\_\_  
Darlene Byrne  
Judge, 126th Judicial District  
Travis County, Texas

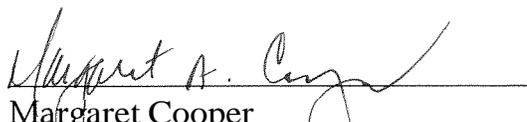
  
\_\_\_\_\_  
Gisela D. Triana  
Judge, 200th Judicial District  
Travis County, Texas

  
\_\_\_\_\_  
Suzanne Covington  
Judge, 201st Judicial District  
Travis County, Texas

  
\_\_\_\_\_  
John K. Dietz  
Judge, 250th Judicial District  
Travis County, Texas

  
\_\_\_\_\_  
Lora J. Livingston  
Judge, 261st Judicial District  
Travis County, Texas

  
\_\_\_\_\_  
Stephen Yelenosky  
Judge, 345th Judicial District  
Travis County, Texas

  
\_\_\_\_\_  
Margaret Cooper  
Judge, 353rd Judicial District  
Travis County, Texas