

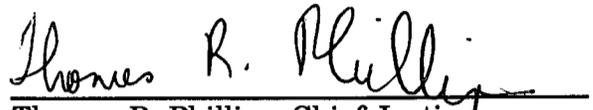
ORDER OF THE SUPREME COURT OF TEXAS

Pursuant to Rule 3a of the Texas Rules of Civil Procedure, the Supreme Court hereby approves the following local rules, which have been hitherto approved by the presiding judge of the appropriate administrative judicial region and submitted to this Court:

Local Rules of Practice and Procedure of the 5th, 102nd, and 202nd District Courts for Bowie County, dated effective November 1, 1990.

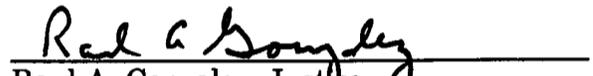
The approval of these rules is temporary, pending further orders of the Court.

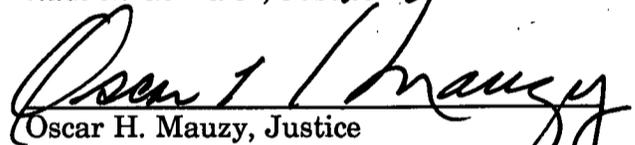
En banc, in chambers, this the 2nd day of October, 1990.

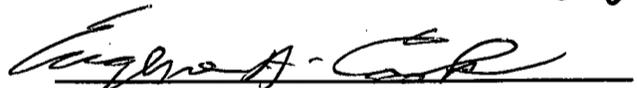

Thomas R. Phillips, Chief Justice

Franklin S. Spears, Justice

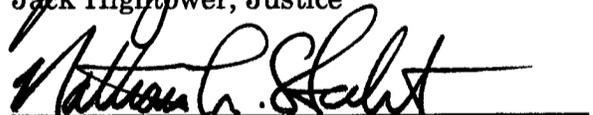

C. L. Ray, Justice


Raul A. Gonzalez, Justice


Oscar H. Mauzy, Justice


Eugene A. Cook, Justice


Jack Hightower, Justice


Nathan L. Hecht, Justice


Lloyd Doggett, Justice



Plm. file

STATE OF TEXAS
OFFICE OF COURT ADMINISTRATION

1414 COLORADO STREET, SUITE 602

Post Office Box 12066
Austin, Texas 78711-2066
512/463-1625

C. Raymond Judice
Administrative Director

Jim Hutcheson
General Counsel

October 5, 1990

Honorable Guy Jones
Judge, 202nd District Court
Bi-State Justice Building
Henderson, Texas 75501

RE: Local Rules of Practice and Procedure of the 5th, 102nd, and 202nd District Courts
for Bowie County, dated effective November 1, 1990

Dear Judge Jones:

Enclosed is a copy of the order of the Supreme Court dated October 2, 1990, approving
the above-referenced rules, and a copy of those rules.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Raymond Judice".

C. Raymond Judice
Administrative Director

Enclosure

cc: State Law Library
Mr. Luke Soules, Chairman,
Standing Advisory Committee



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

P.O. BOX 12248 CAPITOL STATION
AUSTIN, TEXAS 78711
(512) 463-1312

CLERK
JOHN T. ADAMS

JUSTICES
FRANKLIN S. SPEARS
C. L. RAY
RAUL A. GONZALEZ
OSCAR H. MAUZY
EUGENE A. COOK
JACK HIGHTOWER
NATHAN L. HECHT
LLOYD DOGGETT

EXECUTIVE ASST.
WILLIAM L. WILLIS

ADMINISTRATIVE ASST.
MARY ANN DEEBAUGH

October 3, 1990

The Honorable Jack Carter
5th District Court
Bi-State Justice Building
Texarkana, Texas 75501

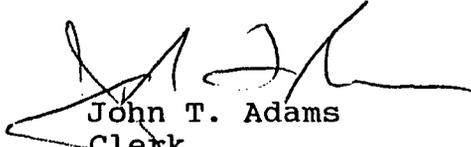
The Honorable Leon F. Pesek
102nd District Court
Bi-State Justice Building
Texarkana, Texas 75501

The Honorable Guy Jones
202nd District Court
Bi-State Justice Building
Texarkana, Texas 75501

Dear Judges:

On October 2, 1990, the Supreme Court has appointed the Local Rules of Practice and Procedure of the 5th, 102nd and 202nd District Courts for Bowie County, dated effective November 1, 1990.

Sincerely,


John T. Adams
Clerk

JTA/ns

Local Rules Of Practice & Procedure

5th - 102nd - 202nd Judicial District Courts For Bowie County, Texas

Rule 1 GENERAL

Rule 1.10 TIME STANDARDS FOR CASE DISPOSITION

1.100 CRIMINAL CASES

As provided by law.

1.101 CIVIL CASES

Within 18 months from appearance date.

1.102 CIVIL NON-JURY CASES

Within 12 months from appearance date.

1.103 DOMESTIC RELATIONS

Contested:

Within 6 months from appearance date or within 6 months from the expiration of the waiting period provided by the Family Code, where such is required, whichever is later.

Uncontested:

Within 3 months from appearance date or within 3 months from the expiration of the waiting period provided by the Family Code, where such is required, whichever is later.

Juvenile Cases:

As provided by Title 3, Texas Family Code or any applicable statute governing same.

Complex Cases:

Under certain circumstances these Time Standards will be impractical to keep, but will be rigidly enforced unless cases are allowed to remain on the docket for good cause shown.

Rule 1.11 COURT SESSIONS - CALENDARS - HOLIDAYS

1.110 SESSIONS

Court sessions shall be quarterly in keeping with the posted quarterly calendar.

1.111 CALENDARS

The District Clerk with the assistance of the Court Administrator shall, each quarter, cause to be printed the Court's Calendar showing thereon the dates of settings for each Court and the cases scheduled for each week of such quarter.

1.112 HOLIDAYS

Holidays for the respective Courts shall be posted by the Commissioner's Court of Bowie County, and such other times as may be directed by the Courts.

Rule 1.12 HOURS OF COURT PROCEEDINGS

1.120 SESSION TIMES

Court shall be in session from 9:00 A.M. to recess or adjournment, unless otherwise directed by the Courts with respect to individual case.

Rule 1.13 EMERGENCY & SPECIAL SESSIONS

As from time to time same may be directed by the respective courts.

Rule 1.14 JURY & NON-JURY WEEKS

Jury and non-jury weeks shall be held in accordance with the posted quarterly calendar which shall be made available to all litigants in the office of the District Clerk.

Rule 2

LOCAL ADMINISTRATIVE JUDGE

Rule 2.10 LOCAL ADMINISTRATIVE JUDGE

A local administrative judge shall be elected and serve such term, and perform such duties as required by law.

Rule 2.11 INFORMATION TO LOCAL ADMINISTRATIVE JUDGE

As provided by law.

Rule 2.12 EXERCISE OF POWER IN ABSENCE

No Local Rule.

Rule 2.13 COURT DIVISIONS

No Local Rule.

Rule 3

CIVIL CASES

Rule 3.10 FILING AND ASSIGNMENT OF CASES

All cases, of whatever nature, shall be filed with the District Clerk of Bowie County, who shall, assign same to a particular Court on a random basis to be determined by the Courts.

3.100 EXCLUSIVE CONTROL ACQUIRED

The Court in which such case is assigned shall have exclusive control of such case.

3.101 DOCKET PRIOR TO ORDERS SIGNED

No order of any kind shall be presented to a Judge until the case is docketed

and assigned to the appropriate Court.

3.102 CONFLICT OF SETTINGS

In the event of a conflict of setting between the Courts of Bowie County, such conflict shall be resolved pursuant to Rule 10B(2), Rules of the First Administrative Judicial Region of Texas. In the event of a conflict between a Non-Jury and Jury setting, the Jury setting shall have priority.

3.103 CONSOLIDATIONS

Motions to consolidate shall be filed, and if granted, shall be assigned to the court where the case with the earliest filing date is pending.

Rule 3.11 FILING ON HOLIDAYS

No Local Rule.

Rule 3.12 TRANSFER OF CASES - DOCKET EXCHANGE - BENCH EXCHANGE

Non-jury, uncontested matters to be heard as provided in Rule 3.136, *infra*, may be heard by any of the respective Courts sitting for another Court, and such settings are not limited to the Court whose Judge is sitting on any particular Friday, but counsel is encouraged, as far as is practical, to set cases in the assigned Court.

Rule 3.13 REQUEST FOR NON-JURY SETTINGS

All requests for non-jury settings shall be directed to the Court Administrator, Bowie County Courthouse, New Boston, Texas, 75570-0248, and shall be on a form in accordance with Appendage "A", attached to these Rules.

3.130 CONTESTED

Same as Rule 3.13, *supra*.

3.131 TIME AND PLACE OF HEARINGS

All non-jury matters, including Domestic Relations, will be heard on each scheduled Monday in the respective District Courtrooms at the County Courthouse in New Boston, Texas at 9:00 o'clock A.M., or at the Bi-State Justice Bldg., 100 N. State Line Ave., Texarkana, Texas, as same shall appear on the quarterly calendar. All un-contested non-jury matters shall be set in accordance with Rule 3.136, *infra*.

3.132 COUNSEL AGREEMENT

All contested non-jury matters will be set on the docket by agreement of counsel, or by Court Order, on such dates as are allocated by the respective courts for hearing contested cases. No contested case will be set upon the docket by the Court unless counsel cannot agree upon a date. Counsel shall not request a setting by the Court unless and until all parties cannot agree, and then only after notice to opposing counsel that a request to the Court has been made stating the date or dates sought in order to allow opposing counsel the right to interpose objections and seek alternate dates. If there is no opposing attorney, then the case shall be set upon the non-jury contested docket.

3.133 MUST BE DOCKETED

The Coordinator will not place a case upon the docket until furnished with the cause number, style and names of the attorneys representing the various parties, upon the form required (Appendage "A"). Spur of the moment requests will not be honored.

3.134 ATTORNEY DUTY

It is the duty of attorney obtaining an order for setting to see that the case is listed on the appropriate docket and the case will not be heard unless so

placed on the docket.

3.135 DISMISSAL FOR FAILURE TO APPEAR

All matters placed on non-jury docket by agreement, or by Court Order, if not removed by agreement, or by Court ordered Continuance may be dismissed if no response is made thereto upon call of the docket.

3.136 UNCONTESTED NON-JURY MATTERS

All uncontested non-jury matters will be heard at 9:00 A.M. on Friday of each week as same appears on the quarterly calendar, at the Bi-State Justice Building, 100 North State Line, Texarkana, Texas.

3.137 MANNER OF SETTING

Same as General Rule 3.13.

3.138 TIME FOR DOCKETING

Non-jury cases will not be docketed by the administrator unless placed upon the docket no later than 5:00 P.M. on Wednesday preceding the date of setting.

3.139 NO CONTESTED ON FRIDAY

No contested matters will be heard on Friday except by leave of Court first obtained.

3.1300 NO IN CHAMBERS HEARING

No matters will be heard in chambers on spur of the moment request.

3.1301 CITATION COMPLETE PRIOR TO SETTING

No case, except ex parte matters and show cause orders, shall be set unless and until a waiver is duly executed and filed, or return of citation served and filed with case ready for hearing.

Rule 3.14 DISPOSITION OF UNCONTESTED CASES

No uncontested case will be heard unless the order or decree disposing of same is prepared and presented to the Court prior to the taking of testimony.

Rule 3.15 REQUEST FOR SETTING JURY

Once each quarter a joint call of the Civil Jury Docket (all Courts) will be called at 9:00 A.M. in the Bi-State Justice Building, Texarkana, Texas, on the date posted on the Court's quarterly calendar. All civil cases that are desired set shall be set for trial during a designated week of the term. Cases shall be set in order of the lowest numbered cause, unless some priority is allowed by law. Non-attending counsel shall not be heard to complain of a setting date.

Rule 3.16 JURY FEES AND JURY DEMAND

No Local Rule.

Rule 3.17 DOCKET CALLS AND ANNOUNCEMENTS

See rule 3.15

Rule 3.18 ASSIGNMENT OF CASES FOR TRIAL

See Rule 3.15

Rule 3.19 CONFLICTS OF SETTINGS AND ASSIGNMENT OF COUNSEL

Conflicts of settings shall be resolved pursuant to Rule 10B(2), Rules of the First Administrative Region of Texas.

- Rule 3.20 PREFERENTIAL SETTINGS**
Preferential settings shall be granted as required by law and at the discretion of the respective Courts as the interest of justice might appear.
- Rule 3.21 RESETTING**
No Local Rule.
- Rule 3.22 DISMISSAL DOCKET - INVOLUNTARY DISMISSAL**
The Clerk shall maintain a dismissal docket which shall contain a list as follows:
- A) All civil jury cases pending for two (2) years or more.
 - B) All civil non-jury cases pending for one (1) year or more.
 - C) All domestic relations cases pending one (1) year or more.
 - D) All other cases pending one (1) year or more.
- 3.220 CIVIL JURY DISMISSAL**
At each quarterly docket call the jury dismissal docket shall be called and unless good cause is shown for a case to remain on the docket it shall be dismissed for want of prosecution.
- 3.221 NON-JURY DISMISSAL**
The Clerk shall quarterly notify attorneys of record (or pro-se litigants) that all cases on the non-jury dismissal docket will be dismissed for want of prosecution unless there is filed a written motion seeking the case be retained on the docket, and an order of the Court granting same is filed in the papers of cause.
- 3.222 OTHER INVOLUNTARY DISMISSALS**
Cases may be dismissed by the Court for failure to appear at pre-trials; failure to timely appear and answer docket calls; and on other occasions and for other reason as may be provided by law and other provisions contained in these Rules.
- Rule 3.23 SUSPENSE DOCKET**
The Clerk shall maintain a suspense docket for cases abated by reason of bankruptcy or other legal impediment and all cases docketed thereon shall not appear upon the active dockets of the respective Courts.
- Rule 3.24 HEARINGS ON PRE-TRIALS PLEAS AND MOTIONS**
See Rule 3.35
- Rule 3.25 ATTORNEY CONFERENCE REQUIREMENT**
See Rule 3.35
- Rule 3.26 NON-COMPLIANCE WITH CONFERENCE PROCEDURE**
See Rule 3.35
- Rule 3.27 DISCOVERY DISPUTES**
No Local Rule.
- Rule 3.28 SEVERANCES**
No Local Rule.
- Rule 3.29 CONTINUANCES**
- 3.290 AGREED CONTINUANCES**
No "agreed continuances" will be allowed after the case has been announced ready at pre-trial, and will not be honored by the Courts, and all cases

appearing on the docket after pre-trial will be disposed of by trial, settlement or dismissal. There can be no "agreed continuances" of a matter pending on the dismissal docket.

Rule 3.30 DEFAULT JUDGMENTS

All cases where judgments are allowed by law to be rendered by default, without hearing, shall be submitted to the Court Administrator with affidavit of service attached. Docketing of the case shall not be necessary. All other judgments by default shall be granted after proper docketing and hearing in the manner prescribed by law.

Rule 3.31 SUMMARY JUDGMENTS

All motions for summary judgment shall be set for hearing in accordance with Local Rules 3.131 and 3.132, supra.

Rule 3.32 ANCILLARY PROCEEDINGS - TEMPORARY ORDERS - EMERGENCY MATTERS

No "ex-parte" orders shall be granted on spur of the moment request except under extreme circumstances and then only after hearing before the Court to determine the necessity for such extraordinary relief.

Rule 3.33 COMPLEX CASE DESIGNATIONS

No Local Rule.

Rule 3.34 ALTERNATIVE DISPUTE RESOLUTION

No Local Rule.

Rule 3.35 PRE-TRIAL CONFERENCES

3.350 CIVIL PRE-TRIAL

Civil pre-trial conferences will be held on the date, and at the place and time designated by the respective Courts which will be noted on the quarterly docket calendar prepared by the District Clerk.

3.351 ATTORNEY PRESENCE

The attorney who shall try the case, shall be in attendance at pre-trial, and shall be excused therefrom only for good cause shown after leave of the Court has first been obtained. Violation of the Rule is subject to appropriate sanctions as provided in Rule 3.354, infra.

3.352 MATTERS TO BE PRESENTED

All exceptions, motions and other pre-trial matters will be heard at pre-trial. Those not presented to the Court at pre-trial are expressly waived. No special exceptions or motions of any kind will be entertained by the Court unless same has been presented to opposing counsel at least three (3) days prior to presentment to the Court.

3.353 NO DELAY FOR DISCOVERY

All Discovery shall be completed by pre-trial. No continuances will be granted for purposes of discovery, except for good cause shown.

3.354 FAILURE TO APPEAR

When counsel for either party fails to appear at pre-trial the Court may:

Declare the offending party in contempt.

Rule on all motions, dilatory pleas or exceptions in absence of such counsel.

Declare any motions, dilatory pleas or exceptions of such absent party waived.

Strike pleadings.

Advance or delay the trial setting according to the convenience of counsel present.

Pass and reset the pre-trial.

Where the absent counsel represents the Plaintiff, the Court may decline to set the case for trial or may cancel a setting previously made, or the Court may dismiss the case for want of prosecution, especially where there has been a previous failure to appear or where no amendment has been filed to meet exceptions previously sustained.

Rule 3.36 **CERTIFICATE OF PROGRESS**
No Local Rule.

Rule 3.37 **TRIAL STIPULATIONS AND ADMISSIONS**
No Local Rule.

Rule 3.38 **TRIAL WITNESSES AND EXHIBITS**

3.380 **WITNESSES IN ATTENDANCE**

All trial witnesses shall be in attendance while the Court is in session and trial shall not be delayed for the absence of witnesses except under exigent circumstances justifying non-appearance, and any witness once in attendance shall remain in attendance until excused by the Court.

3.381 **EXHIBITS**

All exhibits to be used in the course of trial shall be marked in advance of trial so far as practical.

Rule 3.39 **DISPOSITION CONFERENCE**

All attorneys together with their clients shall be in attendance in the respective courts at 9:00 A.M. on Monday of scheduled Civil Jury week. A violation of this Rule is subject to sanctions as provided in Rule 3.354, supra.

Rule 3.40 **SETTLEMENTS**

When there is a necessity for Court approval of settlements, or a settlement record is desired, the case shall be docketed pursuant to Rule 3.13, supra.

Rule 3.41 **JURY SELECTION**

3.410 **TRIAL DATE AND TIME**

All attorneys, parties and witnesses shall be prepared to select juries and proceed to trial on the date of setting as reflected by the court docket.

3.411 **PLEADINGS**

All pleadings shall be governed by the Texas Rules of Civil Procedure and by these Local Rules. All anticipated issues, definitions and instructions shall be made and presented as may be directed by the Court.

3.412 ORDER OF PROCEEDINGS

The order of trial by jury shall be as required by the Texas Rules of Civil Procedure.

3.413 JURY MANAGEMENT

All jury panels are managed by the clerk by computerized random selection and a jury shuffle shall be automatic without necessity of demand.

Rule 3.42 JURY CHARGE AND INSTRUCTIONS

All jury charges and requested instructions shall be furnished upon request of the trial judge at such time as the Judge may direct.

Rule 3.43 SUBMISSION ORDERS, JUDGMENTS AND DECREES

3.430 UNCONTESTED DECREES

In all uncontested matters which are to be heard, the attorneys are directed to prepare and submit to the Court or the District Clerk prior to hearing, a Final Judgment, Order or Decree of Divorce which is proper under the law and facts of such uncontested matter, and any relief sought shall not be granted in the absence of same. Should a matter become uncontested immediately preceding the time of hearing, evidence will be heard and case disposed with Order, Judgments and Decrees handled pursuant to Rule 3.431, 3.432, 3.434, infra.

3.431 ATTORNEY AND CLIENT APPROVAL

When both sides are represented by counsel all Orders, Decrees and Judgments shall be submitted to the opposing counsel for approval before submission to the Court. All agreed decrees and Orders shall be approved by all attorneys and their clients, unless otherwise approved or ordered by the Court.

3.432 TO WHOM SUBMITTED

Any instrument involving matters previously heard or disposed of by the Court, as well as instruments to be signed by the Court without a hearing such as dismissals and agreed judgments, etc., shall be presented to the Judges' secretary. Such matters will be presented by the secretary to the appropriate Judge with dispatch. This will permit the orderly presentation of such matters to the Court for consideration without undue interruptions.

3.433 ATTORNEY TO PREPARE

All Judgments, Orders and Decrees pronounced by the Court shall be reduced to writing by counsel for the party directed to prepare same, normally the moving or prevailing party.

3.434 TIME REQUIREMENTS

All Judgments, Order or Decrees of the Court shall be prepared, approved by counsel and client, when applicable, and submitted to the Court within fourteen (14) days of the pronouncement, or by consent or agreement, within fourteen (14) days of the finalization of such agreed order or Decree. If the attorney charged with the responsibility of preparation is unable to comply with this rule he shall, within twelve (12) days from the times stated above, secure permission of the Court to extend the time.

3.435 FAILURE TO TIMELY PRESENT

Failure to timely present Judgments, Orders and Decrees pursuant to Rule 3.434, above, shall be dealt with by contempt, dismissal, refusal to enter, or

such other sanctions as circumstances may warrant, at the discretion of the Court.

Rule 3.44 WITHDRAWAL AND COPYING DOCUMENTS

At the discretion of the Court.

Rule 3.45 OTHER LOCAL RULES

The rules regarding Civil Cases, above, are not all inclusive, and other rules herein set forth, may be applicable, i.e., decorum, etc., and caution should be taken to carefully read all local rules to insure compliance.

**Rule 4
FAMILY LAW CASES**

Rule 4.10 TIME STANDARDS

See Rule 1.103

**Rule 4.11 ANCILLARY PROCEEDINGS - TEMPORARY ORDERS -
EMERGENCY MATTERS**

4.110 TEMPORARY ORDERS

Upon the filing of each divorce or annulment proceeding, there shall be granted upon the Court's own motion in accordance with Section 3.58 of Texas Family Code a Temporary Restraining Order Ex-Parte for the preservation and protection of the parties. Such order shall restrain or prohibit both parties from the following:

- A) Threatening the other, by telephone or in writing, to take unlawful action against any person, intending by the action to annoy or alarm the other;
- B) Intentionally, knowingly, or recklessly causing bodily injury to the other, or to a child of either;
- C) Threatening the other or a child of either with eminent bodily injury;
- D) Intentionally, knowingly, or recklessly destroying, removing, concealing, incumbering, transferring, or otherwise harming or reducing the value of the property of the parties, or either of them with the intent to obstruct the authority of the Court to order a division of the estate of the parties in a manner that the Court deems just and right, having due regard for the rights of each party and any children of the marriage;
- E) Intentionally or knowingly damaging or destroying the tangible property of the parties or either of them.

4.111 ATTORNEY RESPONSIBILITY

The attorney filing any domestic relations action is directed to personally furnish to his client a copy of such temporary order. The Clerk of this Court is directed to attach to each petition such order for service on the Respondent or Defendant. Unless good cause is shown within ten (10) days of filing date why such temporary order should not become a temporary injunction pending the conclusion of the proceeding, such a temporary order will become a temporary injunction in the cause. In the event there are other matters which need to be considered such as excluding a spouse from the occupancy of the residence where the party is living, temporary conservatorship of children, or temporary support, such matters will be heard after notice to opposing party on the first

date set for the hearing of contested non-jury matters by the judge to whom the case is assigned. No such matters will be heard on an ex-parte basis absent exigent circumstances and extraordinary relief shall be obtained only after a hearing before the Court. Copies of the temporary order may be obtained from the District Clerk.

4.112 TEMPORARY RESTRAINING ORDER TO BE USED

See Appendage "B"

Rule 4.12 DISPOSITIONS

For Rules regarding contested family law case settings, refer to Local Rule 3.13, et seq., supra.

Rule 4.13 UNCONTESTED MATTERS

4.130 PLACE OF HEARING

Court will be in session to hear non-contested matters in the District Courtroom in Texarkana, Texas, each Friday at 9:00 A.M. in accordance with the published court schedule.

4.131 MANNER

Non-contested matters shall be set by request to the Court's Coordinator, giving the cause number, style and names of the attorney or attorneys per form attached. (Appendage "A")

4.132 TIME REQUIREMENTS

Non-jury cases will not be docketed by the coordinator unless placed upon the docket no later than 5:00 P.M. on the Wednesday preceding the date of setting.

4.133 NO CONTEST

No contested matters will be heard on Friday except by leave of the Court first obtained.

4.134 NO IN CHAMBER HEARINGS

No matters will be heard in chambers on spur of the moment request.

4.135 PRE-REQUISITES

No case, except ex-parte matters and show cause orders, shall be set unless and until a waiver is duly executed and filed, or return of citation served and filed with the Clerk and the case ready for hearing.

4.136 FAILURE TO APPEAR

All matters placed on non-jury docket by agreement, or by Court Order, if not removed by agreement, or by Court ordered continuance, may be dismissed if no response is made thereto upon call of the docket.

Rule 4.14 FINANCIAL INFORMATION STATEMENTS

Attached to these Rules, Appendage "C", is a financial information form, and in all cases where support is an issue, counsel shall file with the Clerk, with copy to opposing party, a complete form, under oath, no later than ten (10) days prior to final hearing. Compliance with this rule alleviates the necessity of any further proof upon this issue, and except for special circumstances, no evidence will be taken thereon.

Rule 4.15 CHILD SUPPORT GUIDELINES

Child support shall be as in Texas Family Code §14.052, et seq.

4.150 EXCLUSIVE PROOF OF SUPPORT

In all cases of non-payment of support as required by prior support orders, a certification by the District Clerk of the support records shall be conclusive proof as to the payment or non-payment under such prior orders and no further evidence will be taken thereon unless the accuracy of same is challenged by sworn affidavit, setting forth specifically the alleged errors, with attached supporting exhibits.

4.151 ADDITIONAL FEES

The following paragraph shall be added to all Divorce Decrees where child support is ordered: "It is further ADJUDGED and DECREED that in addition to the child support ordered hereinabove, (the party ordered to pay child support) shall pay the sum of Twenty Dollars (\$20.00) annually to the District Clerk of Bowie County, Texas for payment of collection and disbursement costs of child support. The annual fee shall be payable with the first support payment due hereunder and shall be payable on said date each year thereafter until the youngest child attains eighteen (18) years of age, or child support ceases by operation of law or until further order of the Court. The child support payment and annual fee shall be mailed to the District Clerk, Bowie County Courthouse, P. O. Box 248, New Boston, Texas, 75570-0248."

Rule 4.16 CHILD VISITATION

Visitation shall be as in Texas Family Code §14.032, et seq.

Rule 4.17 INVENTORY AND APPRAISEMENT

No Local Rule.

Rule 4.18 AD LITEM APPOINTMENT

Guardian and attorney ad litem will be appointed when required by law and/or when the interest of justice may require.

Rule 4.19 MEDIATION COUNSELING

No Local Rule.

Rule 4.20 REFERRAL TO MASTER

Masters shall be used by the respective Courts when the Trial Judge deems same necessary to properly aid the speedy disposition of the case.

**Rule 5
LIQUIDATED CLAIMS**

Rule 5.10 LIQUIDATED CLAIMS

See Local Rule 3.30

**Rule 6
CRIMINAL CASES**

Rule 6.10 FELONY AND MISDEMEANOR CASES

Felony and Misdemeanor cases shall be heard at a time, date and place designated from time to time by appropriate court schedule.

- Rule 6.11 FILINGS AND RETURN OF INDICTMENTS**
No Local Rule.
- Rule 6.12 ARRAIGNMENT AND INITIAL APPEARANCE**
No Local Rule.
- Rule 6.13 APPOINTMENT OF COUNSEL**
Counsel for indigent defendants shall be appointed in accordance with a rotation list to be kept by the Courts' Administrator.
- 6.130 AGE OF APPOINTEE**
The Court Administrator's rotating list shall contain the names of attorneys whose age does not exceed fifty (50), provided however, any licensed attorney who desires to have his name placed on the appointment list shall not be prohibited because of age. Nothing, herein, however, shall prevent the Trial Court from appointing any attorney, regardless of age.
- Rule 6.14 APPEARANCE OF COUNSEL**
The attorney who shall represent the defendant at trial shall be in attendance during all proceedings involving said case, unless excused by the Trial Court for good cause shown in advance. Sanctions per Rule 3.354, supra, may be imposed for violation of this Rule.
- Rule 6.15 WITHDRAWAL OF COUNSEL**
See Local Rule 10.12
- Rule 6.16 BOND AND BOND FORFEITURES**
No Local Rule.
- Rule 6.17 DISCOVERY**
No Motions for Discovery will be entertained by the Courts until such motion has been presented to the State's Attorney and only contested issues will be heard.
- Rule 6.18 DOCKET CALL/ANNOUNCEMENTS**
Docket call for all criminal cases will be held in accordance with the quarterly schedule and after notice is given all defendants and/or their attorneys.
- Rule 6.19 CONTINUANCE**
No Local Rule.
- Rule 6.20 PLEA BARGAINS**
All plea bargains shall be reduced to writing and presented to the Court in advance of plea acceptance. Forms for this purpose are available from the District Clerk.
- Rule 6.21 GUILTY PLEAS, ETC.**
No Local Rule.
- Rule 6.22 SPEEDY TRIAL**
No Local Rule.
- Rule 6.23 MOTIONS - PRE-TRIALS**
Pre-trials shall be held at the time and place designated by the respective Courts after notice given.
- 6.230 MOTIONS AND DISCOVERY**
In criminal cases no motions at all will be entertained unless same has first been

presented to the District Attorney, and only those matters upon which an agreement cannot be reached shall be presented to the Court.

6.231 ATTORNEY PRESENT

The attorney who shall try the case shall be in attendance at pre-trial.

Rule 6.24 SETTINGS
No Local Rule.

Rule 6.25 ORDER OF TRIALS - CONFLICTING ENGAGEMENTS

6.250 ORDER OF TRIAL
Pursuant to Texas Code of Criminal Procedure.

6.251 CONFLICTING ENGAGEMENTS
Governed by Rule 10B(2), Rules of the First Judicial Region of Texas.

Rule 6.26 WITNESSES/EVIDENCE

6.260 WITNESSES
Governed by Local Rule 3.380, supra.

6.261 EVIDENCE
Governed by Texas Rules of Criminal Evidence and Local Rule 3.381, supra.

Rule 6.27 NON-JURY TRIALS
No Local Rule.

Rule 6.28 JURY TRIALS
No Local Rule.

Rule 6.29 JURY SELECTION - VOIR DIRE
No Local Rule.

Rule 6.30 PROBATION APPLICATION - DEFERRED ADJUDICATION
No Local Rule.

Rule 6.31 PRE-SENTENCE REPORTS
No Local Rule.

Rule 6.32 JUDGMENTS - ORDERS
No Local Rule.

Rule 6.33 OCCUPATIONAL DRIVERS' LICENSE

6.330 If an applicant's drivers' license has been suspended by a District Court order, application for an occupational license must be filed in the Court which ordered the suspension. No exceptions.

**Rule 7
JURY MANAGEMENT**

Rule 7.10 MANAGEMENT OF JURY
All jury panels are managed by the District Clerk by computerized random selections and

jury shuffle shall be automatic without necessity of demand.

Rule 8 VACATIONS

Rule 8.10 VACATIONS

The respective Courts shall recess at least three consecutive weeks each summer to allow for Attorney and Court Staff vacations. Such vacation period shall be posted on the quarterly calendar and all attorneys and other personnel are encouraged to plan their vacation periods accordingly. The Courts, however, shall maintain a liberal policy regarding exceptions to this rule.

Rule 8.11 NOTIFICATION TO LOCAL ADMINISTRATIVE JUDGE OF ABSENCE OF JUDGE

No Local Rule.

Rule 8.12 REQUESTS FOR VISITING JUDGE

Request for visiting Judges shall be made in accordance with law.

Rule 9 NON-JUDICIAL PERSONNEL

Rule 9.20 NOTE OTHER RULES

Caution should be taken to refer to these Rules regarding various duties of Clerks, Administrators, Bailiffs, and to the Rules regarding decorum.

Rule 9.11 QUALIFICATIONS OF NON-JUDICIAL PERSONNEL

As may be provided by law.

Rule 9.12 CONDUCT OF NON-JUDICIAL PERSONNEL

Refer to Rules regarding decorum.

Rule 9.13 DUTIES OF NON-JUDICIAL PERSONNEL

No Local Rule.

Rule 10 ATTORNEYS OF RECORD

Rule 10.10 APPEARANCE OF COUNSEL - DESIGNATION OF ATTORNEY IN CHARGE

In all suits filed in Bowie County, the attorney whose name and signature appears upon the pleading shall be considered by the Courts to be the attorney in charge of the case, unless there appears in the file a written designation of an attorney in charge other than the attorney whose name appears upon the pleadings.

Rule 10.11 CONDUCT AND DECORUM OF COUNSEL

Refer to Rules of Decorum, Rule 12 et seq.

Rule 10.12 WITHDRAWAL OF COUNSEL

No attorney of record shall be permitted to withdraw from any case without presenting a motion and obtaining from the Court an order granting leave to withdraw. Such motion shall be accompanied by the client's written consent to such withdrawal, or a certificate by another lawyer that he has been employed to represent the client, and a copy of such motion shall be mailed to the client at his last known address with a letter advising that the motion will be presented to the Court on or after a certain hour not less than seven (7) days after mailing the letter and that any objection to such withdrawal should be made to the Court in writing before such time, and a copy of such letter shall be attached to the motion. A copy of the motion shall be delivered or mailed to the opposing counsel. Unless allowed in the discretion of the Court, no such motion shall be presented within thirty (30) days of the trial date or at such time as to require delay of the trial. After leave is granted, the withdrawing attorney shall send the client a letter by certified mail notifying him of the withdrawal, stating any settings for trial or otherwise, and advising him to secure other counsel, and shall send a copy of such letter to opposing counsel and to the Clerk of the Court in which the case is pending.

Rule 10.13 ATTORNEY VACATION

See Local Rule 8.10.

**Rule 11
ADMINISTRATIVE LAW CASES**

No Local Rules.

**Rule 12
DECORUM AND MISCELLANEOUS LOCAL RULES**

Rule 12.10 SETTLEMENT WEEK

No Local Rule.

Rule 12.11 FORM FOR SUBMITTING COURT COST

No Local Rule.

Rule 12.13 DECORUM AND CONDUCT

12.130 CALL TO ORDER

Immediately before the scheduled time for the beginning of court sessions, the bailiff shall direct all court officers, spectators, parties and witnesses to their seats and bring order. All persons shall rise when the Judge enters the courtroom and shall further rise whenever the Court departs from the courtroom for recess or adjournment.

12.131 ATTENTIVE TO PROCEEDINGS

All persons in the courtroom during the pendency of any hearing shall be attentive to the proceedings of the Court and shall refrain from any action which is disruptive of the court proceedings. When court is in session all persons, before entering the courtroom, shall first remove all overcoats, hats, etc., and shall quietly be seated in the proper places provided.

12.132 COURT SESSION PRACTICES

- A) No reading of newspapers or magazines during court proceedings;
- B) No bringing of bottles, paper cups or beverage containers into the courtroom;
- C) No bringing of edibles into the courtroom (at any time);
- D) No propping of feet on tables, chairs or benches;
- E) No sitting on tables, railings, desks or benches;
- F) No walking through the courtroom or loitering therein while any proceedings are being held or any court is in session;
- G) No talking by persons unless during the proper participation of the matter then before the Court;
- H) No smoking;
- I) No person should by facial expression, shaking of the head, guttural utterances or any other conduct, exhibit approval or disapproval of any testimony illicit or any other statement or transaction which has occurred in the courtroom.

12.134 CONDUCT OF COUNSEL

All counsel are admonished to respect the letter and spirit of all canons of ethics including particularly those dealing with testimony by counsel participating in the trial, discussion of the facts or law of the case with the Court outside the courtroom and not in the presence of opposing counsel.

12.135 PROMPTNESS

All officers of the Court shall be prompt at all sessions and in the dispatch of all court business and shall insure that their parties and witnesses shall do the same.

12.136 DRESS

All female lawyers and court officials shall dress in keeping with proper courtroom decorum, and all male lawyers and court officials shall wear coats and ties while in the attendance of the Court.

12.137 REMARKS OF COUNSEL

While the Court is in sessions all remarks of counsel shall be addressed to the Court and not to opposing counsel or the Judge as an individual.

12.138 ADDRESSING COURT AND WITNESSES

While addressing the Court, lawyers shall at all times rise and remain standing at the counsel table. They shall in all jury cases stand at the podium while interrogating witnesses, except as may be necessary in handling or displaying of exhibits or demonstrating evidence.

12.139 REMARKS DIRECTED TO COURT

The Court shall be respectfully and properly addressed by title at all times; all objections and legal arguments by counsel shall be directed to the Court and not to opposing counsel, and shall be impersonal in addressing the Court.

12.140 CONDUCT AT BENCH

Counsel shall never lean on the Bench or engage the Court in a confidential matter, except by permission or at the request of the Court.

12.141 COUNSEL TO ADVISE CLIENTS AND WITNESSES

Counsel shall advise their clients and witnesses of proper courtroom decorum, rules and procedure, and seek their full cooperation therewith. This will prevent possible embarrassment to the Judges as well as to the counsel and laymen.

12.142 ADDRESSING JUROR BY NAME

After jury voir dire no attorney shall address the jury or any juror individually or by name.

12.143 NO INTERRUPTIONS

The trial attorney should refrain from interrupting the Court or opposing counsel until the statement being made is fully completed, except when necessary to protect his clients' rights on the record, and should respectfully await the completion of the statement or opinion before undertaking to point out objectionable matter. Similar respect is to be accorded all witnesses during examination.

12.144 NO ARGUMENT ON OBJECTIONS

There will be no arguments on objections. If counsel desires to argue his point after making his objection or on being overruled on an objection, he shall ask the permission of the Court. Argument may then be permitted on objections at the discretion of the Court.

12.145 KEEPING INFORMED OF PROCEEDINGS

During the trial, all lawyers and parties shall keep themselves informed of the time of the commencement of any Court proceeding, and should not expect any court attendant to notify them individually of such.

12.146 APPROACHING THE BENCH

It shall be improper to approach the Bench without first obtaining permission to do so.

12.147 COUNSEL TO REMAIN IN ATTENDANCE

Once an attorney has entered the courtroom and appeared before the Court he shall not leave without first obtaining permission to do so.

12.148 UTILIZATION OF COUNSEL TABLE

During the trial of a matter only those counsel participating in the cause then being heard together with the clients shall sit at the counsel table; counsel not participating in the case then under consideration shall not sit at counsel table but shall remain seated within the courtroom, or other locations by consent of the Court.

Rule 12.15 MISCELLANEOUS RULES

12.150 COMMUNICATIONS

Request for copies of any document desired returned from Courts; Court Administrator, or District Clerk shall be accompanied by the number of copies of the document desired together with a stamped, self-addressed envelope.

Rule 13

ADOPTION - AMENDMENT - NOTICE

Rule 13.10 PROCEDURE FOR ADOPTION AND AMENDMENT OF LOCAL RULES

13.100 ADOPTIONS

These Rules are adopted pursuant to the adoption clause, infra.

13.101 AMENDMENTS

These Rules may from time to time be amended in keeping with changes in the law, logistical problems and for other reasons as may be determined by the respective Courts in keeping with the best interest of justice. All amendments will be published and approved in accordance with law and Rules of Administration of the Supreme Court of Texas, and same will be on file with the Presiding Judge, First Judicial Region of Texas; the Supreme Court of Texas and the District Clerk of Bowie County, Texas.

Rule 13.11 ADOPTION OR AMENDMENT BY LOCAL ADMINISTRATIVE JUDGE

The local Administrative Judge shall perform such duties as may be required by law.

Rule 13.12 NOTICE AND PUBLICATION OF RULES

These Rules shall be printed and published in loose-leaf form to provide for easy insertion of amendments. Copies shall at all times be available through the District Clerks Office, New Boston, Texas, 75570-0248, at a cost set by the Courts.

Rule 13.13 INTERIM ORDERS AFFECTING LOCAL PRACTICE

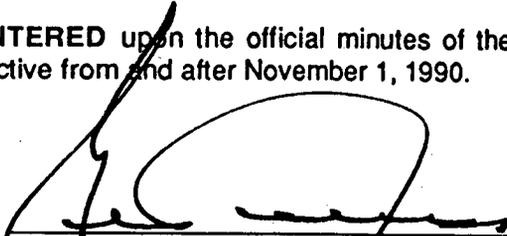
Interim orders may from time to time be adopted for all but never fewer than all courts in Bowie County, and may govern local practices in court proceedings when the parties have been given actual notice of any such orders and subject to the limitations of Rule 13.14.

Rule 13.14 LOCAL PRACTICES NOT PUBLISHED IN THESE RULES

Local practices not published in these Rules may not be applied by any court so as to work a disposition on the merits of any matter unless such disposition on the merits of the matter is otherwise authorized at the time, by provisions of the Texas Rules of Civil Procedures or by these Local Rules.

The Local Rules of Practice and Procedure for the 5th - 102nd - 202nd Judicial District Courts of Bowie County, Texas, are adopted by authority granted to District Courts under the Texas Rules of Civil Procedure; the Rules of Judicial Administration, Supreme Court of Texas, February 4, 1987 and are supplemental thereto and have been approved by the Local Administrative Judge of Bowie County, Texas; the Supreme Court of Texas, and are on file as required by law.

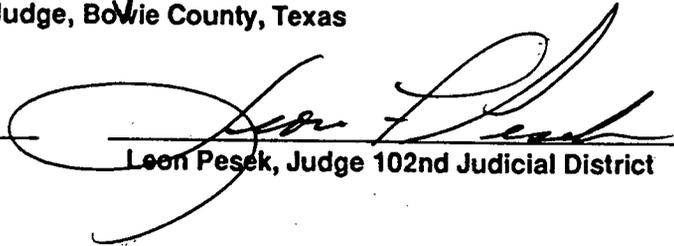
ADOPTED AND ENTERED upon the official minutes of the respective Courts the 1st day of October, 1990, and are effective from and after November 1, 1990.



Guy Jones, Judge 202nd Judicial District
Administrative Judge, Bowie County, Texas



Jack Carter, Judge 5th Judicial District



Leon Pesek, Judge 102nd Judicial District

APPROVED

The Supreme Court of Texas

Date

Clerk of the Supreme Court

*Approved 9/25/90
B. Marshall
187 administrative judicial Regio*

REQUEST FOR TRIAL SETTING (NON JURY)

BOWIE COUNTY, TEXAS

DISTRICT COURT

CAUSE NO.: _____

STYLE OF CASE: _____

VS

PLAINTIFF'S ATTORNEY: _____

DEFENDANT'S ATTORNEY: _____

THIRD PARTY/INTERVENOR ATTORNEY: _____

REQUESTED SETTING DATE: _____

PURPOSE OF HEARING: _____

ESTIMATED TIME FOR TRIAL: _____

DATE OF SERVICE OF CITATION, etc.: _____

THE REQUESTED SETTING DATE IS AGREEABLE WITH ALL COUNSEL: _____

THE REQUESTED SETTING DATE IS UNILATERAL: _____

THE LOCAL RULES HAVE BEEN FULLY COMPLIED WITH AND COUNSEL CANNOT AGREE ON A SETTING DATE. SETTING ORDER FOR THE COURT IS ATTACHED: _____

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS CASE IS READY FOR HEARING. GOOD FAITH NEGOTIATIONS HAVE BEEN MADE TO ATTEMPT SETTLEMENT. I FURTHER CERTIFY THAT ALL COUNSEL HAVE BEEN NOTIFIED IN WRITING OF THIS REQUEST, OR HAVE AGREED TO SAME.

DATE: _____, 19_____.

ATTORNEY FOR REQUESTING PARTY

JEANETTE THOMAS
Court Administrator
P. O. Box 248
New Boston, TX 75570-0248
(903) 628-2571, Ext. 260
(903) 798-3002
(903) 628-2426 FAX

CONFIRMED COPIES
The Court Administrator will return confirmed copies of any document upon request provided: True and correct copies of the desired document are enclosed along with a self-addressed, postage paid envelope.

Appendage "B" to Local Rules of Practice and Procedure

TO: _____, Petitioner; and
_____, Respondent

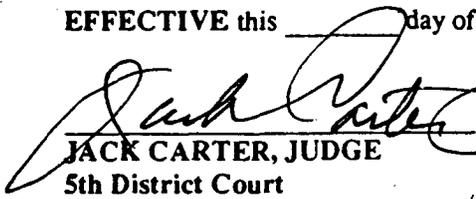
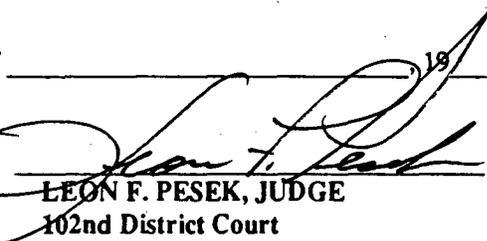
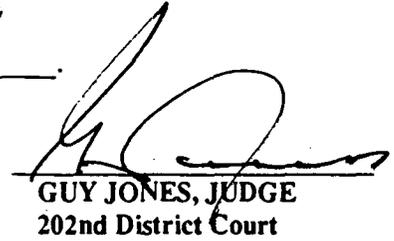
IT IS HEREBY COMMANDED AND YOU ARE HEREBY RESTRAINED, ENJOINED AND PROHIBITED WITH RESPECT TO THE FOLLOWING:

1. Threatening the other, by telephone or in writing, to take unlawful action against any person, intending by this action to annoy or alarm the other;
2. Intentionally, knowingly, or recklessly causing bodily injury to the other, or to a child of either;
3. Threatening the other or a child of either with eminent bodily injury;
4. Intentionally, knowingly or recklessly destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of the parties, or either of them with the intent to obstruct the authority of the Court to order a division of the estate of the parties in a manner that the Court deems just and right, having due regard for the rights of each party and any children of the marriage;
5. Intentionally or knowingly damaging or destroying the tangible property of the parties or either of them.

Unless good cause is shown within ten (10) days of the filing date why this Order should not become a temporary injunction same shall be a temporary injunction and you are restrained, enjoined and prohibited from violating the above enumerated pending the final disposition of this case.

GRANTED upon the Motion of the respective Courts as a standing Order pursuant to laws and rules regulating the same.

EFFECTIVE this _____ day of _____, 19____.

 JACK CARTER, JUDGE 5th District Court	 LEON F. PESEK, JUDGE 102nd District Court	 GUY JONES, JUDGE 202nd District Court
--	---	--

I, _____, do hereby state that I have received a copy of the Standing Temporary Restraining Order, and have read it in full and understand it.

Petitioner

THE STATE OF TEXAS §

COUNTY OF BOWIE §

SUBSCRIBED AND SWORN TO BEFORE ME on the _____ day of _____, 19____.

NOTARY PUBLIC in and for the
State of: TEXAS
My Commission Expires: _____

FINANCIAL INFORMATION SHEET (LOCAL RULE 4.14)

CAUSE NO. _____

PETITIONER (Name and Soc. Sec. No.) _____

RESPONDENT (Name and Soc. Sec. No.) _____

PETITIONER'S ATTORNEY _____

RESPONDENT'S ATTORNEY _____

AGES OF CHILDREN OF MARRIAGE: _____

A. Necessary Monthly Expenses

B. Debts (excluding house and cars)

		To Whom Owed	Amt.	Monthly Payment	Date of Last Payment
House Payment/rent	\$ _____	_____	_____	_____	_____
Utilities including phone	_____	_____	_____	_____	_____
Food	_____	_____	_____	_____	_____
Medical	_____	_____	_____	_____	_____
Insurance premiums	_____	_____	_____	_____	_____
Car payments	_____	_____	_____	_____	_____
Gasoline/oil, etc.	_____	_____	_____	_____	_____
Car repairs	_____	_____	_____	_____	_____
Child care	_____	_____	_____	_____	_____
Lunches/school supplies	_____	_____	_____	_____	_____
Clothing	_____	_____	_____	_____	_____
Cleaning/laundry	_____	_____	_____	_____	_____
Miscellaneous	_____	_____	_____	_____	_____
SUBTOTAL (A)	\$ _____	SUBTOTAL (B) \$ _____			
		TOTAL A & B \$ _____			

C. Do you have custody of any other children? _____ If so, how many? _____
What child support is ordered to be paid to you for such children? \$ _____ per mo. per child

What amount of child support have you actually been receiving for such other children?
\$ _____ per mo. per child

D. Are you under Court order to pay child support on any other child? _____
If so, on how many children? _____ What is the total amount of child support payments for other children per month?
\$ _____

Are you working: _____ Kind of Work: _____

Name of Employer: _____

I am paid: () weekly () every two weeks () twice a month () once a month

I will get my next check (date) _____

My hourly rate is \$ _____

GROSS INCOME: EACH PAY PERIOD MONTHLY
\$ _____ \$ _____

List all deductions from your gross income other than FICA and withholding tax: _____

(If available, attach last three pay stubs)

NET INCOME EACH PAY PERIOD MONTHLY
\$ _____ \$ _____

Other income: (yes) (no) Explain: _____

Have you received any overtime pay in the last 12 months? _____ If yes, amount: \$ _____

Quick assets I have or subject to my control:

\$ _____ cash \$ _____ credit unions \$ _____ undeposited checks
\$ _____ banks \$ _____ stocks & bonds \$ _____ savings & loan assoc.

PETITIONER/RESPONDENT

SUBSCRIBED AND SWORN to before me by the above and foregoing on this the _____ day of _____

19 _____

NOTARY PUBLIC