

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 14-9234

**APPROVAL OF AMENDED LOCAL RULES FOR THE
DISTRICT AND COUNTY COURTS OF TAYLOR COUNTY**

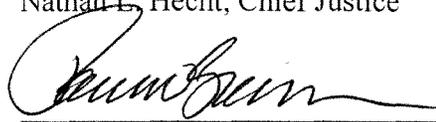
ORDERED that:

Pursuant to Texas Rule of Civil Procedure 3a, the Supreme Court approves the following local rules for the District and County Courts of Taylor County.

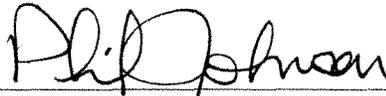
Dated: November 24, 2014.



Nathan L. Hecht, Chief Justice



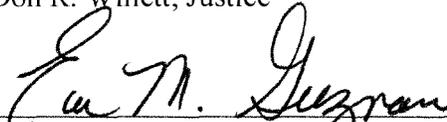
Paul W. Green, Justice



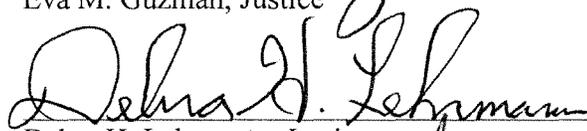
Phil Johnson, Justice



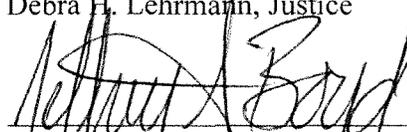
Don R. Willett, Justice



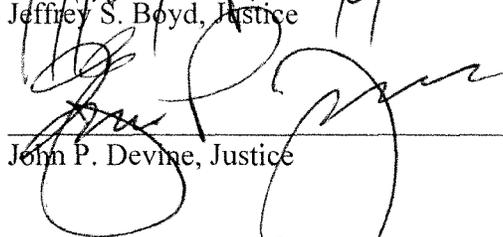
Eva M. Guzman, Justice



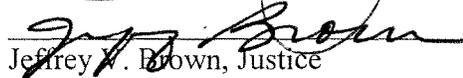
Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



John P. Devine, Justice



Jeffrey W. Brown, Justice

LOCAL RULES OF COURT, TAYLOR COUNTY, TEXAS

(As Amended)

RULE 1

GENERAL

Rule 1.1 Time Standards for Case Processing

Pursuant to Article 5, Section 31 of the Texas Constitution, Sections 22.004, 72.002 and 74.024 of the Texas Government Code, Rule 6 of the Rules of Judicial Administration, and Rules 1, 3, 4 and 5 of the Regional Rules of Judicial Administration, time standards have been established to which reference is made for all purposes, as they now exist, or as they may be hereafter amended.

Rule 1.2 Hours of Court Proceedings

A. Court will be held in the Taylor County Courthouse at the courtrooms provided by the county, or at such other places as a judge may designate in his or her discretion.

B. The Taylor County Courthouse is open from 8:00 a.m. to 5:00 p.m. each day, Monday through Friday of each week, subject to holidays. The courts will observe those holidays adopted by the Commissioner's Court of Taylor County.

C. Judges may schedule absences as necessary due to illness, vacation, attendance at educational programs and similar matters. The other sitting judges may exchange benches as necessary to conduct business for an absent judge or in an emergency or special matter.

RULE 2

CIVIL CASES

Rule 2.1 Filing and Assignment of Cases

All family law cases shall be filed by the District Clerk in the 326th District Court unless a judge of one of the other district courts instructs the District Clerk to file a family law case in that judge's court.

The District Clerk shall rotate filing of civil cases (other than family law cases) equally among the 42nd, 104th and 350th District Courts.

The County Clerk shall alternate equally the filing of civil and criminal cases between the two county courts at law.

Rule 2.2 Transfer of Cases; Docket Exchange; Bench Exchange

The District Judges of Taylor County may exchange benches or hear cases for one another without the necessity of an order. The Judges of the County Courts at Law of Taylor County may exchange benches or hear cases for one another without the necessity of an order.

Rule 2.3 Requests for Settings -Non-Jury

The Court may set contested cases for trial on written request of any party, or on the court's own motion. A request for trial setting constitutes a representation that the requesting party reasonably and

in good faith expects to be ready for trial by the date requested. In order that counsel practicing before the courts covered by these rules may have a uniform method of requesting the settings, the following methods shall be used:

A. A request for setting SHALL BE:

(1) in writing

(2) addressed to the judge of the court, with

(3) a copy being simultaneously mailed and/or delivered to ALL attorneys of record.

The request shall specify that the setting is non-jury, date or dates that counsel will be unavailable and estimated length of trial. The nonrequesting (i.e. notified) attorney shall within five (5) days from the receipt of the notice inform the judge of scheduling or other problems.

B. Nothing in this rule shall prevent the court from making settings on the court's own motion at docket calls or otherwise, consistent with the court's docket condition.

Rule 2.4 Requests for Settings -Jury

A request for jury trial setting constitutes a representation that the requesting party reasonably and in good faith expects to be ready for trial by the date requested. In order that counsel practicing before the courts covered by these rules may have a uniform method of requesting the settings, the following methods shall be used:

A. A request for setting SHALL BE:

(1) in writing;

(2) addressed to the judge of the court, with

(3) a copy being simultaneously mailed and/or delivered to all attorneys of record. The non-requesting attorney shall within five (5) days from the receipt of the notice inform the judge of scheduling or other problems.

B. Nothing in this rule shall prevent the court from setting cases on the Court's own motion at docket calls or otherwise, consistent with the court's docket condition.

Rule 2.5 Dismissal Docket; Involuntary Dismissal

Each judge shall periodically, but at least once each year, review the court's docket, and commensurate with the condition of the docket, the length of time a case has been filed, and other circumstances, have cases placed on the dismissal docket. When a case is placed on the dismissal docket, notice shall be mailed to all attorneys of record, or any party who has made an appearance, and who is not represented by counsel. Unless a written motion for removal from the dismissal docket is filed prior to the expiration of twenty (20) day after the mailing of the notice, the case is subject to dismissal for lack of prosecution at any time after the expiration of the twenty day period.

Motions for removal from the dismissal docket shall set out the reason for past inactivity, and the date on which the case will be ready for trial. Action on any motion to remove the case from the dismissal docket may be taken by the court either after a hearing set for that purpose, or without a hearing. If the motion to remove from the dismissal docket is granted, the court shall either:

A. make a specific trial setting for a time certain, or

B. provide that the case will be dismissed without further notice if not disposed of by a certain deadline. The burden for disposing of the case or obtaining an extension of the dismissal deadline for good cause shall be upon the party or attorney asserting the cause of action subject to dismissal.

This dismissal docket procedure is cumulative, and not exclusive, and nothing herein shall prevent a cause from being dismissed for failure of any party seeking affirmative relief to appear for a trial, pretrial, or other hearing, or for any other reason authorized by law or the Rules of Civil Procedure.

Rule 2.6 Jury Selection

For the District Courts and County Courts at Law of Taylor County, the jury panel is drawn from a pool in the Central Jury Room. The panel is sworn and qualified by the judge assigned to the Central Jury Room, before the panel is seated in the courtroom. Voir dire procedure is conducted at the discretion of the Court.

Rule 2.7 Submission of Orders, Judgments, Instruments

In absence of Court direction, upon the rendition of a verdict either by a jury or by the Court, a judgment or other order may be prepared by any party and submitted to the Court for entry. Such judgment or order should be approved as to form by opposing counsel. In the event of a counsel's refusal to approve a judgment or order as to form, any party may submit a proposed judgment or order to the Court with certificate of service to opposing counsel. After a ten day period, the Court may enter the judgment or order unless opposing counsel has given notice of objections. If objections are received by the Court during the ten day period, a hearing for entry of the judgment or order may be requested by any party or on the Court's motion.

Rule 3

FAMILY LAW CASES

Rule 3.1 Time Standards for Family Law Case Disposition:

Dismissal dockets are prepared each April and October, therefore cases should be disposed of within six months of the date of filing.

Rule 3.2 Ancillary proceedings, Temporary Orders, and Emergency Matters:

All pleadings for ancillary, temporary and emergency matters shall first be filed with the Clerk and then brought to the attention of the Court Administrator.

Rule 3.3 Disposition Proposals:

A. Requests for settings: Non-jury:

Requests for settings of contested final hearings shall be in writing and directed to the Court Administrator, with copies to the Clerk and opposing counsel, and shall:

1. Specify all matters to be heard; and,
2. Certify that both counsel have agreed to the estimated time requested to hear all matters.

Where setting requests do not so certify, opposing counsel has the obligation to inform the Court in writing within 5 days of the request, that the amount of time requested is not sufficient.

Any party may request a setting.

B. Continuances:

Requests for continuances must be in writing and will be set for hearing. The attorney obtaining a new hearing date shall confirm the setting in writing with opposing counsel and the Court.

C. Setting Conflicts:

Having a case set with the Judge at the same time one is set with the Associate Judge is a setting conflict. In that event, the case which has the oldest setting shall take precedence and the later set case shall be reset for another time.

D. Request for settings: Jury

Requests for jury trials must be made in writing and will not be placed on the docket until the jury fee is paid. Letters setting a pretrial hearing are routinely sent by the court administrator at least two weeks in advance of trial. Counsel shall attend such pretrial hearings to make announcements on their cases and present all pretrial motions. Failure to appear and make an announcement at the pre-trial hearing will result in the case being removed from the jury docket.

Rule 3.4 Default, waiver and uncontested matters:

A. The uncontested docket in the 326th District Court will begin at 8:30 a.m. on Tuesdays, Wednesdays, Thursdays and Fridays. Cases are set on the uncontested docket by calling the court administrator in advance, but before 3:00 p.m. on the day before the case is to be heard.

B. To facilitate collection of child support and to promote accuracy in the recording of payments, waivers of citation shall contain a place for the respondent's address, last three digits of the social security number and driver's license number, either in the body or under the signature.

Rule 3.5 Financial Information statements:

In all actions in which the Associate Judge or Judge is requested to set temporary alimony, child support or any other type of support, and in all actions involving a motion to increase or decrease support, each party shall prepare a financial disclosure form and deliver a copy of such form to the adverse party or his counsel and the Associate Judge or Judge prior to the hearing. Each party shall furnish two current pay stubs. Copies of the suggested forms are attached hereto as an exhibit. **Failure to comply with this requirement may result in the postponement of the hearing.**

Rule 3.6 Child support guidelines:

A. The guidelines of Chapter 154 of the Family Code and the rules thereunder apply to all original proceedings and motions to modify child support. All orders should direct that payments be made to the State Disbursement Unit.

5. In cases involving more than one child, reductions in amount based on emancipation of older children will be made proportionately, according to the guidelines, not equally by the number of children.

C. In all actions which the Associate Judge or Judge is requested to set child support and in all actions involving a motion to increase or decrease child support, each party shall prepare a financial disclosure form and deliver a copy of such form to the adverse party or his counsel and the Associate Judge or Judge prior to the hearing. Each party shall furnish two current pay stubs. **Failure to comply with this requirement may result in the postponement of the hearing.**

D. The Domestic Relations Office of Taylor County monitors all court ordered child support and visitation problems. Further information and forms can be obtained from that office.

Rule 3.7 Application for and refusal of IV-D Child Support Services

A. All final orders, excluding modifications of child support orders rendered before November 1, 2005, that provide for child support to be paid through the State Disbursement Unit shall be deemed to include an application for IV-D child support services provided by Taylor County and the Office of the Attorney General of Texas, pursuant to Chapter 231 of the Texas Family Code.

B. Unless required to accept IV-D child support services pursuant to other laws, a child support obligee entitled to receive services pursuant to this rule may decline services by filing a written Refusal of Child Support Services with the District Clerk.

C. Refusal of the IV-D Child Support Services pursuant to this rule does not preclude that person from making a subsequent written application for IV-D Child Support Services.

Rule 3.8 Possession Guidelines:

Access and possession of children are controlled by the provisions of Chapter 153, Family Code, Standard Possession Order.

Rule 3.9 Inventory and Appraisal:

In cases involving an appreciable amount of property in dispute, counsel for each party shall prepare a list of property involved with estimates of value noted thereon. A copy of the list shall be presented to opposing counsel at least three days before trial and to the Court prior to any testimony being offered. **Failure to comply with this requirement may result in the postponement of the hearing.**

Rule 3.10 Ad Litem Appointments:

In cases where amicus attorneys or attorneys or guardians ad litem are required by law, the request for an appointment of same shall be made in writing to the Court Administrator who will supply the attorney's name next appearing on the Court's rotating list.

Rule 3.11 Children's Interest Seminar

A. This rule applies to all parties in all suits affecting the parent-child relationship filed in the 326th Judicial District Court

B. The 326th Judicial District Court may require such parties to successfully complete a seminar that addresses the issues confronting children that are the subject of divorce, custody, and child support litigation. The seminar shall comply with the requirements stated in the Texas Family Code. Each party is responsible for payment of the appropriate fee.

C. The seminar shall be successfully completed within 60 days of the service of the original petition upon respondent, or if service is waived, then within 60 days of the waiver of citation.

D. Upon a party's failure to successfully complete the seminar pursuant to this rule, the Court may take appropriate action, including a finding of contempt, striking of pleadings, or any sanction allowed under the Rules of Civil Procedure.

E. For good cause, the Court may waive the requirement of completion of the seminar.

Rule 3.12 Referral to Associate Judge:

A. Referrals:

The Associate Judge shall hear all matters as set out in Chapter 201 of the Family Code, as it may be amended from time to time.

B. Objections:

Objections to the Associate Judge will be considered untimely filed if filed later than the time allowed by statute.

C. Settings:

(1.) Proposed orders shall be presented with requests for hearing on temporary orders, contempts and applications for protective orders. If contempt actions are expected to be contested and lengthy, the Court Administrator should be advised at the time of the request for hearing. All orders should specify that the hearing will be before the Associate Judge.

(2.) Requests for hearings on Motions to Modify shall be in writing and directed to the Court Administrator, with copies to the Clerk and opposing counsel, and shall certify that both counsel have conferred together and agreed to the estimated time requested to hear the entire matter. Where setting requests do not so certify, the allotted time will be divided equally between the parties.

(3.) When continuances are granted by agreements of counsel, the attorney requesting the continuance must obtain a new hearing date and confirm the same with both the Court and opposing counsel. In resetting contempts and requests for temporary restraining orders, an order setting hearing is required.

(4.) Having a case set with the Associate Judge at the same time one is set with the Judge is a setting conflict. In that event, the case that has the older setting will take preference and the later set case shall be reset for another time.

D. Hearings:

Testimony at temporary hearings is limited to the parties. In the discretion of the judge, other witnesses may be allowed to testify if they have knowledge of relevant facts and such testimony will not be repetitious or cumulative of the testimony of the parties.

E. Written orders:

Written orders after the hearings by the Associate Judge shall provide appropriate signature spaces for both the Judge and the Associate Judge.

F. Recommendations of the Associate Judge:

Recommendations are appealable to the referring court. All appeals shall be in writing, specifying that portion of the Associate Judge's ruling which is being appealed, and notice shall be given to opposing counsel. The notice shall also contain a request for a hearing and shall be filed and presented to the Court within the time required by statute.

All recommendations of the Associate Judge remain in full force and effect until the hearing is had on the appeal, except for incarceration for contempt.

Exhibits attached hereto:

Financial Information Stmt.

Domestic Relations Ofc. Data Sheet

RULE 4

CRIMINAL CASES

Rule 4.1 Grand Jury

The Grand Juries of the District Courts of Taylor County meet monthly as follows:

First Thursday 42nd District Court

Second Thursday 104th District Court

Third Thursday 350th District Court

The Grand Juries may meet on other days as the need arises.

Rule 4.2 Arraignment (Initial Appearance)

After an indictment is returned and filed in a district court, the arraignment date is scheduled by the Court for approximately two weeks away, with notice sent to the defendant's surety or attorney, if any, or to the defendant, if defendant has no surety or attorney. A defendant's attorney may waive arraignment and make official appearance in the case in writing prior to the arraignment date, and, in such case, the defendant and his attorney need not be present. If arraignment is not waived, the defendant must be present, with his attorney, if any, at the arraignment setting.

When a defendant is released from the Taylor County Detention Center on a misdemeanor charge, the defendant and bondsman are notified of the arraignment date, which is on Thursday at 9:00 a.m., at least seven (7) full days following the release. Persons arrested on Taylor County misdemeanor warrants in other counties and their bondsmen are notified by mail by the Court Administrator of the date of arraignment. A defendant's attorney may waive arraignment and make official appearance in the case in writing prior to this arraignment date, and, in such case, the defendant and his attorney need not be present. If arraignment is not waived, the defendant must be present, with his attorney, if any, at the arraignment setting.

RULE 5

JURY MANAGEMENT

A jury management plan is on file with the District Clerk of Taylor County. A central jury room system is utilized for the District Courts and the County Courts at Law.

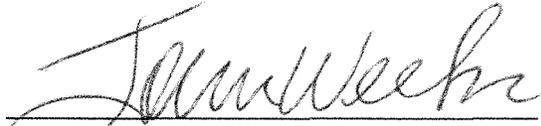
RULE 6

ATTORNEYS OF RECORD

Any attorney may request the court not to set any cases involving such attorney for a designated two (2) week period during any calendar year. Such vacation letter shall be sent to the judge of the court ninety (90) days prior to the commencement of the vacation period, and in such event no cases shall be set for that attorney during the designated two week period.

The foregoing Local Rules of Court of Taylor County, Texas, were approved this date by District Court and County Court at Law Judges.

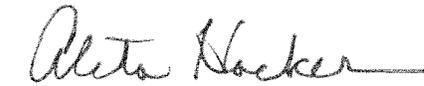
Date: June 10, 2014



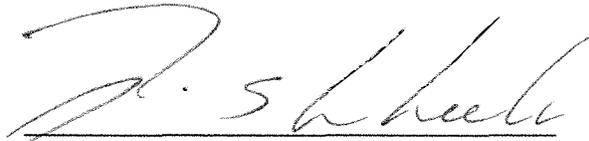
John Weeks, Judge
42nd District Court



Lee Hamilton, Judge
104th District Court



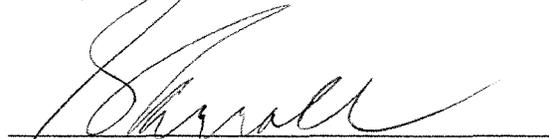
Aleta Hacker, Judge
326th District Court



Thomas Wheeler, Judge
350th District Court



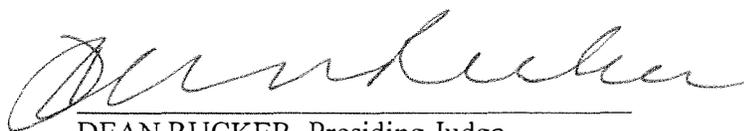
Robert Harper, Judge
County Court at Law #1



Sam Carroll, Judge
County Court at Law #2

APPROVAL BY ADMINISTRATIVE REGION

The foregoing Local Rules of Court, Taylor County, Texas, were approved by the Presiding Judge of the Seventh Administrative Judicial Region on the 8 day of AUGUST, 2014.

A handwritten signature in cursive script, appearing to read "Dean Rucker", written over a horizontal line.

DEAN RUCKER, Presiding Judge
Seventh Administrative Judicial Region